

							CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements				
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.		Federal Requirement	State Requirement	CCR Landfills		
									Existing	New & Lateral Expansions	
1							§ 257.60 Placement Above the Uppermost Aquifer				
2							The owner of operator of the CCR unit must meet all the requirements (a) through (d).				
3	(a)						The base of CCR unit should be at least 1.52 meters (5 ft.) above the upper limit of the uppermost aquifer, or, the owner must demonstrate that there will not be an intermittent, recurring, or sustained hydraulic connection with uppermost aquifer during normal and seasonal water table fluctuations. The owner or operator must demonstrate by the dates specified in paragraph (c) of this section that the CCR unit meets the minimum requirements for placement above the uppermost aquifer.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a).			
4	(b)						Obtain a certificate from professional engineer, stating that the requirements meet comply with the recordkeeping requirements specified in § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
6	(c)	(2)					For a new CCR landfill, new CCR impoundment, or any lateral expansion of a CCR unit, the owner or operator of the CCR unit must complete the demonstration required by paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
7	(c)	(3)					The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
8	(c)	(4)					An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
9	(c)	(5)					An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
10	(d)						The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
11							§ 257.61 Wetlands				
12							The owner of operator of the CCR unit must first meet requirements (a) or requirements (a)(1) through (5), in addition to meeting requirements (b) through (d) and all their components.				
13	(a)						CCR units must not be located in wetlands, as defined in § 232.2 of this chapter, unless the owner or operator demonstrates by the dates specified in paragraph (c) of this section that the CCR unit meets the requirements of paragraphs (a)(1) through (5) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
14	(a)	(1)					<i>The owner or operator of CCR unit must:</i> Provide a rebuttal of the presumption that an alternative to the CCR unit is reasonably available that does not involve wetlands where applicable under § 404 of the Clean Water Act or applicable state wetlands laws.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
15	(a)	(2)					The construction and operation of the CCR unit will not cause or contribute to violations of the following applicable regulations:	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
16	(a)	(2)	(i)				State or federal water quality standard;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
17	(a)	(2)	(ii)				Toxic effluent standard or prohibition under section 307 of the Clean Water Act;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
18	(a)	(2)	(iii)				Endangered or threatened species, or a critical habitat protected under the Endangered Species Act of 1973;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
19	(a)	(2)	(iv)				Marine Protection, Research, and Sanctuaries Act of 1972	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
20	(a)	(3)					<i>The CCR unit will not cause or contribute to significant degradation of wetlands by addressing all of the following factors:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
21	(a)	(3)	(i)				Erosion, stability and migration potential of native wetland soils used to support the CCR unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
22	(a)	(3)	(ii)				Erosion, stability and migration potential of dredged and fill materials used to support the CCR unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
23	(a)	(3)	(iii)				The volume and chemical nature of the CCR;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
24	(a)	(3)	(iv)				Impacts on fish, wildlife, other aquatic resources and their habitat from release of CCR;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
25	(a)	(3)	(v)				The potential effects of catastrophic release of CCR to the wetland and the resulting impacts on the environment; and	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
26	(a)	(3)	(vi)				Any additional factors, as necessary, to demonstrate sufficient protection of ecological resources in the wetland.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
							<i>The owner or operator of CCR unit must also:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			

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								Existing	New & Lateral Expansions
27	(a)	(4)				Demonstrate that steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent reasonable as required by paragraphs (a)(1) through (3), then minimizing unavoidable impacts to the maximum extent reasonable, and offsetting remaining unavoidable wetland impacts through all appropriate and reasonable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands) to the extent required under section 404 of the Clean Water Act or applicable state wetlands laws.			
28	(a)	(5)				Sufficient information is available to make a reasoned determination with respect to the demonstrations in paragraphs (a)(1) through (4).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
29	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
30	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
31	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
32	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
33	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
34	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
35	(d)					The owner or operator comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		

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Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills		
								Existing	New & Lateral Expansions	
36	§ 257.62 Fault Areas									
37	The owner of operator of the CCR unit must meet all the requirements (a) through (d).									
38	(a)					CCR unit should be located within 60 meters (200 feet) of the outermost damage zone of a fault that has had displacement in Holocene time, unless the owner or operator demonstrates that an alternative setback distance of less than 60 meters will prevent damage to the structural integrity of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
39	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets these requirements of paragraph (a).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
40	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
41	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
42	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility’s operating record as required by § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
43	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
44	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
45	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
46	§ 257.63 Seismic Impact Zones									
47	The owner of operator of the CCR unit must meet all the requirements (a) through (d).									
48	(a)					CCR units and any expansions must not be located in seismic impact zones, unless the owner or operator demonstrates that all structural components including liners, leachate collection and removal systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
49	(b)					The owner or operator of the CCR unit must: obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a)	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
50	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
51	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
52	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility’s operating record as required by § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
53	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
54	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
55	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)			
56	§ 257.64 Unstable Areas									
57	The owner of operator of the CCR unit must meet all the requirements (a) through (e) and all their components.									
58	(a)					A CCR unit must not be located in an unstable area, unless the owner or operator demonstrates that recognized and generally accepted good engineering practices have been incorporated into the design of the CCR unit to ensure that the integrity of the structural components of the CCR unit will not be disrupted.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)			
59	(b)	(1)				When determining whether an area is unstable or not, the owner or operator must consider, at a minimum, all of the following:	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)			

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Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
						On-site or local soil conditions that may result in significant differential settling;			
61	(b)	(2)				On-site or local geologic or geomorphologic features; and	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
62	(b)	(3)				On-site or local human-made features or events (both surface and subsurface).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
63	(c)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements in paragraph (a).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
64	(d)	(1)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than October 17, 2018 for existing CCR surface impoundments and existing CCR landfills.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
65	(d)	(2)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
66	(d)	(3)				The owner or operator has completed the demonstration required by paragraph (a) when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
67	(d)	(4)				An owner or operator of an existing CCR unit who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1) or (d), respectively.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
68	(d)	(5)				An owner or operator of a new CCR unit, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
69	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
							Rule 391-3-4-.10(3)(c): The hydrogeological evaluation for a specific site must be performed by a qualified groundwater scientist	N/A	
							Rule 391-3-4-.10(3)(d): When the geological and hydrogeological data so indicate, the Division may specify greater separation distances to protect groundwater	N/A	
							Rule 391-3-4-.10(3)(e) Buffers: New CCR units and lateral expansions of CCR units must provide a 200- foot undisturbed buffer between the waste disposal boundary and the boundary of the permitted facility and a minimum 500-foot buffer between the waste disposal boundary and any occupied dwelling and the dwelling's operational private, domestic water supply well in existence on the date of the permit application. The 500-foot buffer may be reduced if the current owner of the dwelling provides a written waiver consenting to the waste disposal boundary being closer than 500 feet. No disposal or storage practices for waste shall take place in the buffer zones	N/A	
70						§ 257.70 Design Criteria for New CCR Landfills and Any Lateral Expansion of a CCR Landfill			
71						The owner of operator of the CCR unit must meet all the requirements (a) through (g) and all their components.			
72	(a)	(1)				CCR landfills must be designed, constructed, operated, and maintained with either a composite liner that meets the requirements of paragraph (b) of this section or an alternative composite liner that meets the requirements in paragraph (c) of this section, and a leachate collection and removal system that meets the requirements of paragraph (d) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
73	(a)	(2)				Prior to construction of an overfill the underlying surface impoundment must meet the requirements of § 257.102(d).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
74	(b)					A composite liner must consist of two components; the upper component consisting of, at a minimum, a 30-mil geomembrane liner (GM), and the lower component consisting of at least a twofoot layer of compacted soil with a hydraulic conductivity of no more than 1 × 10 ⁻⁷ centimeters per second (cm/ sec). GM components consisting of high density polyethylene (HDPE) must be at least 60-mil thick. The GM or upper liner component must be installed in direct and uniform contact with the compacted soil or lower liner component.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
						The composite liner must be:	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		

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Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
75	(b)	(1)				Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the CCR or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;			
76	(b)	(2)				Constructed of materials that provide appropriate shear resistance of the upper and lower component interface to prevent sliding of the upper component including on slopes;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
77	(b)	(3)				Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
78	(b)	(4)				Installed to cover all surrounding earth likely to be in contact with the CCR or leachate.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
79	(c)	(1)				<i>If the owner or operator elects to install an alternative composite liner, all of the following requirements must be met:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
						An alternative composite liner must consist of two components; the upper component consisting of, at a minimum, a 30-mil GM, and a lower component, that is not a geomembrane, with a liquid flow rate no greater than the liquid flow rate of two feet of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. GM components consisting of high density polyethylene (HDPE) must be at least 60-mil thick. If the lower component of the alternative liner is compacted soil, the GM must be installed in direct and uniform contact with the compacted soil.			
80	(c)	(2)				The owner or operator must obtain certification from a qualified professional engineer that the liquid flow rate through the lower component of the alternative composite liner is no greater than the liquid flow rate through two feet of compacted soil with a hydraulic conductivity of 1×10^{-7} cm/ sec. The hydraulic conductivity for the two feet of compacted soil used in the comparison shall be no greater than 1×10^{-7} cm/sec. The hydraulic conductivity of any alternative to the two feet of compacted soil must be determined using recognized and generally accepted methods. The liquid flow rate comparison must be made using Equation 1 of this section, which is derived from Darcy's Law for gravity flow through porous media. Where, Q = flow rate (cubic centimeters/second); A = surface area of the liner (squared centimeters); q = flow rate per unit area (cubic centimeters/ second/squared centimeter); k = hydraulic conductivity of the liner (centimeters/second); h = hydraulic head above the liner (centimeters); and t = thickness of the liner (centimeters).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
81	(c)	(3)				The alternative composite liner must meet the requirements specified in paragraphs (b)(1) through (4) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
82	(d)	(1)				<i>The leachate collection and removal system must be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The leachate collection and removal system must be:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
						Designed and operated to maintain less than a 30-centimeter depth of leachate over the composite liner or alternative composite liner;			
83	(d)	(2)				Constructed of materials that are chemically resistant to the CCR and any non-CCR waste managed in the CCR unit and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying waste, waste cover materials, and equipment used at the CCR unit; and	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
84	(d)	(3)				Designed and operated to minimize clogging during the active life and post-closure care period.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
85	(e)					Prior to construction of the CCR landfill or any lateral expansion of a CCR landfill, the owner or operator must obtain a certification from a qualified professional engineer that the design of the composite liner (or, if applicable, alternative composite liner) and the leachate collection and removal system meets the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
86	(f)					Upon completion of construction of the CCR landfill or any lateral expansion of a CCR landfill, the owner or operator must obtain a certification from a qualified professional engineer that the composite liner (or, if applicable, alternative composite liner) and the leachate collection and removal system has been constructed in accordance with the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
87	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the Internet requirements specified in § 257.107(f).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(a)		
88						§ 257.80 Air Criteria			
89						The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.			

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
90	(a)					The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including CCR fugitive dust originating from CCR units, roads, and other CCR management and material handling activities.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
91	(b)					The owner or operator of the CCR unit must prepare and operate in accordance with a CCR fugitive dust control plan as specified in paragraphs (b)(1) through (7) of this section. This requirement applies in addition to, not in place of, any applicable standards under the Occupational Safety and Health Act.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
92	(b)	(1)				The CCR fugitive dust control plan must identify and describe the CCR fugitive dust control measures the owner or operator will use to minimize CCR from becoming airborne at the facility. The owner or operator must select, and include in the CCR fugitive dust control plan, the CCR fugitive dust control measures that are most appropriate for site conditions, along with an explanation of how the measures selected are applicable and appropriate for site conditions. Examples of control measures that may be appropriate include: Locating CCR inside an enclosure or partial enclosure; operating a water spray or fogging system; reducing fall distances at material drop points; using wind barriers, compaction, or vegetative covers; establishing and enforcing reduced vehicle speed limits; paving and sweeping roads; covering trucks transporting CCR; reducing or halting operations during high wind events; or applying a daily cover.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
93	(b)	(2)				If the owner or operator operates a CCR landfill or any lateral expansion of a CCR landfill, the CCR fugitive dust control plan must include procedures to emplace CCR as conditioned CCR. Conditioned CCR means wetting CCR with water to a moisture content that will prevent wind dispersal, but will not result in free liquids. In lieu of water, CCR conditioning may be accomplished with an appropriate chemical dust suppression agent.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
94	(b)	(3)				The CCR fugitive dust control plan must include procedures to log citizen complaints received by the owner or operator involving CCR fugitive dust events at the facility.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
95	(b)	(4)				The CCR fugitive dust control plan must include a description of the procedures the owner or operator will follow to periodically assess the effectiveness of the control plan.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
96	(b)	(5)				The owner or operator of a CCR unit must prepare an initial CCR fugitive dust control plan for the facility no later than October 19, 2015, or by initial receipt of CCR in any CCR unit at the facility if the owner or operator becomes subject to this subpart after October 19, 2015. The owner or operator has completed the initial CCR fugitive dust control plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
97	(b)	(6)				Amendment of the plan. The owner or operator of a CCR unit subject to the requirements of this section may amend the written CCR fugitive dust control plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(1). The owner or operator must amend the written plan whenever there is a change in conditions that would substantially affect the written plan in effect, such as the construction and operation of a new CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
98	(b)	(7)				The owner or operator must obtain a certification from a qualified professional engineer that the initial CCR fugitive dust control plan, or any subsequent amendment of it, meets the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
99	(c)					Annual CCR fugitive dust control report. The owner or operator of a CCR unit must prepare an annual CCR fugitive dust control report that includes a description of the actions taken by the owner or operator to control CCR fugitive dust, a record of all citizen complaints, and a summary of any corrective measures taken. The initial annual report must be completed no later than 14 months after placing the initial CCR fugitive dust control plan in the facility's operating record. The deadline for completing a subsequent report is one year after the date of completing the previous report. For purposes of this paragraph (c), the owner or operator has completed the annual CCR fugitive dust control report when the plan has been placed in the facility's operating record as required by § 257.105(g)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
100	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
101	§ 257.81 Run-on and Run-off Controls for CCR Landfills								
102	The owner or operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
103	(a)	(1)				<i>The owner or operator of a CCR landfill or lateral extension must construct, operate, and maintain:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
						A run-on control system to prevent flow onto the active portion of the CCR unit during the peak discharge from a 24-hour, 25-year storm; and			
104	(a)	(2)				A run-off control system from the active portion of the CCR to collect and control at least to collect and control at least the water volume resulting from a 24-hour, 25-year storm.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
105	(b)					Run-off from the active portion of the CCR unit must be handled in accordance with the surface water requirements under § 257.3-3.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
106	(c)	(1)				The owner or operator must prepare initial and periodic run-on and run-off control system plans for the CCR unit according to the timeframes specified in paragraphs (c)(3) and (4) of this section. These plans must document how the run-on and run-off control systems have been designed and constructed to meet the applicable requirements of this section. Each plan must be supported by appropriate engineering calculations. The owner or operator has completed the initial run-on and run-off control system plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
107	(c)	(2)				Amendment of the plan. The owner or operator may amend the written run-on and run-off control system plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(3). The owner or operator must amend the written run-on and runoff control system plan whenever there is a change in conditions that would substantially affect the written plan in effect.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
108	(c)	(3)	(i)			The owner or operator of an existing CCR unit must prepare the initial run-on and runoff control system plan no later than October 17, 2016, for new units and any lateral expansion of a CCR landfill.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
109	(c)	(3)	(ii)			For a new CCR landfil or any lateral expansion of a landfill, the owner or operator must prepare the initial run-on and run-off control system plan no later than the date of initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
110	(c)	(4)				Frequency for revising the plan. The owner or operator of the CCR unit must prepare periodic run-on and runoff control system plans required by paragraph (c)(1) of this section every five years. The date of completing the initial plan is the basis for establishing the deadline to complete the first subsequent plan. The owner or operator may complete any required plan prior to the required deadline provided the owner or operator places the completed plan into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing a subsequent plan is based on the date of completing the previous plan. For purposes of this paragraph (c)(4), the owner or operator has completed a periodic run-on and run-off control system plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
111	(c)	(5)				The owner or operator must obtain a certification from a qualified professional engineer stating that the initial and periodic run-on and run-off control system plans meet the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
112	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
113	§ 257.84 Inspection Requirements for CCR Landfills								
114	<i>The owner of operator of the CCR unit must meet all the requirements (a) through (c) and all their components.</i>								
115	(a)	(1)	(i)			<i>All CCR landfills and any lateral expansion of a CCR landfill must be examined by a qualified person as follows:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
						At intervals not exceeding seven days, inspect for any appearances of actual or potential structural weakness and other conditions which are disrupting or have the potential to disrupt the operation or safety of the CCR unit; and			
116	(a)	(1)	(ii)			The results of the inspection by a qualified person must be recorded in the facility's operating record as required by § 257.105(g)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
117	(a)	(2)	(i)			Existing CCR landfills. The owner or operator of the CCR unit must initiate the inspections required under paragraph (a) of this section no later than October 19, 2015.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
118	(a)	(2)	(ii)			New CCR landfills and any lateral expansion of a CCR landfill. The owner or operator of the CCR unit must initiate the inspections required under paragraph (a) of this section upon initial receipt of CCR by the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
119	(b)	(1)	(i)			Existing and new CCR landfills and any lateral expansion of a CCR landfill must be inspected on a periodic basis by a qualified professional engineer to ensure that the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering standards. The inspection must, at a minimum, include:	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
120	(b)	(1)	(ii)			A review of available information regarding the status and condition of the CCR unit, including, but not limited to, files available in the operating record (e.g., the results of inspections by a qualified person, and results of previous annual inspections); and	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
121	(b)	(1)	(ii)			A visual inspection of the CCR unit to identify signs of distress or malfunction of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
122	(b)	(2)	(i)			The qualified professional engineer must prepare a report following each inspection that addresses the following: Any changes in geometry of the structure since the previous annual inspection;	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
123	(b)	(2)	(ii)			The approximate volume of CCR contained in the unit at the time of the inspection;	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
124	(b)	(2)	(iii)			Any appearances of an actual or potential structural weakness of the CCR unit, in addition to any existing conditions that are disrupting or have the potential to disrupt the operation and safety of the CCR unit; and	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
125	(b)	(2)	(iv)			Any other change(s) which may have affected the stability or operation of the CCR unit since the previous annual inspection.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
126	(b)	(3)	(i)			The owner or operator of the CCR unit must complete the initial inspection required by paragraphs (b)(1) and (2) of this section no later than January 18, 2016.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
127	(b)	(3)	(ii)			New CCR landfills and any lateral expansion of a CCR landfill. The owner or operator of the CCR unit must complete the initial annual inspection required by paragraphs (b)(1) and (2) of this section no later than 14 months following the date of initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
128	(b)	(4)				Frequency of inspections. The owner or operator of the CCR unit must conduct the inspection required by paragraphs (b)(1) and (2) of this section on an annual basis. The date of completing the initial inspection report is the basis for establishing the deadline to complete the first subsequent inspection. Any required inspection may be conducted prior to the required deadline provided the owner or operator places the completed inspection report into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent inspection reports is based on the date of completing the previous inspection report. For purposes of this section, the owner or operator has completed an inspection when the inspection report has been placed in the facility's operating record as required by § 257.105(g)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
129	(b)	(5)				If a deficiency or release is identified during an inspection, the owner or operator must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
130	(c)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(a)		
							Rule 391-3-4-.10(5)(c)The operation and use of the CCR unit shall be as stipulated in the solid waste handling permit		
131	§ 257.90 Applicability								
132	The owner of operator of the CCR unit must meet all the requirements (a) through (f), and all their components.								
133	(a)					Except as provided for in § 257.100 for inactive CCR surface impoundments, all CCR landfills, CCR surface impoundments, and lateral expansions of CCR units are subject to the groundwater monitoring and corrective action requirements under §§ 257.90 through 257.98.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
134	(b)	(1)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must be in compliance with the following groundwater monitoring requirements no later than October 17, 2017: Install the groundwater monitoring system as required by § 257.91;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
135	(b)	(1)	(ii)			Develop the groundwater sampling and analysis program to include selection of the statistical procedures to be used for evaluating groundwater monitoring data as required by § 257.93;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
136	(b)	(1)	(iii)			Initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background and downgradient well as required by § 257.94(b); and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
137	(b)	(1)	(iv)			Begin evaluating the groundwater monitoring data for statistically significant increases over background levels for the constituents listed in appendix III of this part as required by § 257.94.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
138	(b)	(2)				Prior to initial receipt of CCR by the CCR unit, the owner or operator of a new CCR landfill, new CCR surface impoundment, and all lateral expansions of CCR units, must be in compliance with the groundwater monitoring requirements specified in paragraph (b)(1)(i) and (ii) of this section. In addition, the owner or operator of the CCR unit must initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background well as required by § 257.94(b).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
139	(c)					Once a groundwater monitoring system and groundwater monitoring program has been established at the CCR unit as required by this subpart, the owner or operator must conduct groundwater monitoring and, if necessary, corrective action throughout the active life and post-closure care period of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
140	(d)					In the event of a release from a CCR unit, the owner or operator must immediately take all necessary measures to control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of contaminants into the environment. The owner or operator of the CCR unit must comply with all applicable requirements in §§ 257.96, 257.97, and 257.98.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
141	(e)					The owner or operator of an existing CCR landfill and existing CCR surface impoundment, must prepare an annual groundwater monitoring and corrective action report no later than January 31, 2018, and annually thereafter. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, the owner or operator must prepare the initial annual groundwater monitoring and corrective action report no later than January 31 of the year following the calendar year a groundwater monitoring system has been established for such CCR unit as required by this subpart, and annually thereafter. For the preceding calendar year, the annual report must document the status of the groundwater monitoring and corrective action program for the CCR unit, summarize key actions completed, describe any problems encountered, discuss actions to resolve the problems, and project key activities for the upcoming year. For purposes of this section, the owner or operator has prepared the annual report when the report is placed in the facility's operating record as required by § 257.105(h)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
142	(e)	(1)				<i>At a minimum, the annual groundwater monitoring and corrective action report must contain the following information, to the extent available:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						A map, aerial image, or diagram showing the CCR unit and all background (or upgradient) and downgradient monitoring wells, to include the well identification numbers, that are part of the groundwater monitoring program for the CCR unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
143	(e)	(2)				Identification of any monitoring wells that were installed or decommissioned during the preceding year, along with a narrative description of why those actions were taken;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
144	(e)	(3)				In addition to all the monitoring data obtained under §§ 257.90 through 257.98, a summary including the number of groundwater samples that were collected for analysis for each background and downgradient well, the dates the samples were collected, and whether the sample was required by the detection monitoring or assessment monitoring programs;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
145	(e)	(4)				A narrative discussion of any transition between monitoring programs (e.g., the date and circumstances for transitioning from detection monitoring to assessment monitoring in addition to identifying the constituent(s) detected at a statistically significant increase over background levels); and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
146	(e)	(5)				Other information required to be included in the annual report as specified in §§ 257.90 through 257.98.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
147	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
148						§ 257.91 Groundwater monitoring systems			
149						<i>The owner or operator of the CCR unit must meet all the requirements (a) through (g) and all their components.</i>			
150	(a)	(1)				The owner or operator of a CCR unit must install a groundwater monitoring system that consists of a sufficient number of wells, installed at appropriate locations and depths, to yield groundwater samples from the uppermost aquifer that accurately represent the quality of background groundwater that has not been affected by leakage from a CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
151	(a)	(1)	(i)			<i>A determination of background quality may include sampling of wells that are not hydraulically upgradient of the CCR management area where:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
151	(a)	(1)	(i)			Hydrogeologic conditions do not allow the owner or operator of the CCR unit to determine what wells are hydraulically upgradient; or			
152	(a)	(1)	(ii)			Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
153	(a)	(2)				Accurately represent the quality of groundwater passing the waste boundary of the CCR unit. The downgradient monitoring system must be installed at the waste boundary that ensures detection of groundwater contamination in the uppermost aquifer. All potential contaminant pathways must be monitored.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
154	(b)	(1)				The number, spacing, and depths of monitoring systems shall be determined based upon site-specific technical information that must include thorough characterization of: Aquifer thickness, groundwater flow rate, groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
155	(b)	(2)				Saturated and unsaturated geologic units and fill materials overlying the uppermost aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the uppermost aquifer, including, but not limited to, thicknesses, stratigraphy, lithology, hydraulic conductivities, porosities and effective porosities.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
156	(c)	(1)				The groundwater monitoring system must include the minimum number of monitoring wells necessary to meet the performance standards specified in paragraph (a) of this section, based on the site-specific information specified in paragraph (b) of this section. The groundwater monitoring system must contain: A minimum of one upgradient and three downgradient monitoring wells; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
157	(c)	(2)				Additional monitoring wells as necessary to accurately represent the quality of background groundwater that has not been affected by leakage from the CCR unit and the quality of groundwater passing the waste boundary of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
158	(d)	(1)				The owner or operator of multiple CCR units may install a multiunit groundwater monitoring system instead of separate groundwater monitoring systems for each CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
159	(d)	(1)	(i)			<i>The multiunit groundwater monitoring system must be equally as capable of detecting monitored constituents at the waste boundary of the CCR unit as the individual groundwater monitoring system specified in paragraphs (a) through (c) of this section for each CCR unit based on the following factors:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Number, spacing, and orientation of each CCR unit;			
160	(d)	(1)	(ii)			Hydrogeologic setting;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
161	(d)	(1)	(iii)			Site history;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
162	(d)	(1)	(iv)			Engineering design of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
163	(d)	(2)				If the owner or operator elects to install a multiunit groundwater monitoring system, and if the multiunit system includes at least one existing unlined CCR surface impoundment as determined by § 257.71(a), and if at any time after October 19, 2015 the owner or operator determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for the multiunit system, then all unlined CCR surface impoundments comprising the multiunit groundwater monitoring system are subject to the closure requirements under § 257.101(a) to retrofit or close.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
164	(e)	(1)				Monitoring wells must be cased in a manner that maintains the integrity of the monitoring well borehole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the borehole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater. The owner or operator of the CCR unit must document and include in the operating record the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices. The qualified professional engineer must be given access to this documentation when completing the groundwater monitoring system certification required under paragraph (f) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
165	(e)	(2)				The monitoring wells, piezometers, and other measurement, sampling, and analytical devices must be operated and maintained so that they perform to the design specifications throughout the life of the monitoring program.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
166	(f)					The owner or operator must obtain a certification from a qualified professional engineer stating that the groundwater monitoring system has been designed and constructed to meet the requirements of this section. If the groundwater monitoring system includes the minimum number of monitoring wells specified in paragraph (c)(1) of this section, the certification must document the basis supporting this determination.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
167	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
168						§ 257.93 Groundwater Sampling and Analysis Requirements			
169						The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.			
170	(a)					The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells required by § 257.91.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
171	(a)	(1)				The owner or operator of the CCR unit must develop a sampling and analysis program that includes procedures and techniques for:	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
					Sample collection;				
172	(a)	(2)				Sample preservation and shipment;			
173	(a)	(3)				Analytical procedures;			
174	(a)	(4)				Chain of custody control; and			
175	(a)	(5)				Quality assurance and quality control.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
176	(b)					The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents and other monitoring parameters in groundwater samples. For purposes of §§ 257.90 through 257.98, the term constituent refers to both hazardous constituents and other monitoring parameters listed in either appendix III or IV of this part.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
177	(c)					Groundwater elevations must be measured in each well immediately prior to purging, each time groundwater is sampled. The owner or operator of the CCR unit must determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells which monitor the same CCR management area must be measured within a period of time short enough to avoid temporal variations in groundwater flow which could preclude accurate determination of groundwater flow rate and direction.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
178	(d)					The owner or operator of the CCR unit must establish background groundwater quality in a hydraulically upgradient or background well(s) for each of the constituents required in the particular groundwater monitoring program that applies to the CCR unit as determined under § 257.94(a) or § 257.95(a). Background groundwater quality may be established at wells that are not located hydraulically upgradient from the CCR unit if it meets the requirements of § 257.91(a)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
179	(e)					The number of samples collected when conducting detection monitoring and assessment monitoring (for both downgradient and background wells) must be consistent with the statistical procedures chosen under paragraph (f) of this section and the performance standards under paragraph (g) of this section. The sampling procedures shall be those specified under § 257.94(b) through (d) for detection monitoring, § 257.95(b) through (d) for assessment monitoring, and § 257.96(b) for corrective action.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
180	(f)	(1)				The owner or operator of the CCR unit must select one of the statistical methods specified in paragraphs (f)(1) through (5) of this section to be used in evaluating groundwater monitoring data for each specified constituent. The statistical test chosen shall be conducted separately for each constituent in each monitoring well.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						A parametric analysis of variance followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well’s mean and the background mean levels for each constituent.			
181	(f)	(2)				An analysis of variance based on ranks followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well’s median and the background median levels for each constituent.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
182	(f)	(3)				A tolerance or prediction interval procedure, in which an interval for each constituent is established from the distribution of the background data and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
183	(f)	(4)				A control chart approach that gives control limits for each constituent.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
184	(f)	(5)				Another statistical test method that meets the performance standards of paragraph (g) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
185	(f)	(6)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the selected statistical method is appropriate for evaluating the groundwater monitoring data for the CCR management area. The certification must include a narrative description of the statistical method selected to evaluate the groundwater monitoring data.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
186	(g)	(1)				<i>Any statistical method chosen under paragraph (f) of this section shall comply with the following performance standards, as appropriate, based on the statistical test method used:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of constituents. Normal distributions of data values shall use parametric methods. Non-normal distributions shall use non-parametric methods. If the distribution of the constituents is shown by the owner or operator of the CCR unit to be inappropriate for a normal theory test, then the data must be transformed or a distribution-free (non-parametric) theory test must be used. If the distributions for the constituents differ, more than one statistical method may be needed.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
187	(g)	(2)				If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparison procedure is used, the Type I experiment wise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
188	(g)	(3)				If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. The parameter values shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
189	(g)	(4)				If a tolerance interval or a predictional interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. These parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
190	(g)	(5)				The statistical method must account for data below the limit of detection with one or more statistical procedures that shall at least as effective as any other approach in this section for evaluating groundwater data. Any practical quantitation limit that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
191	(g)	(6)				If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
192	(h)					The owner or operator of the CCR unit must determine whether or not there is a statistically significant increase over background values for each constituent required in the particular groundwater monitoring program that applies to the CCR unit, as determined under § 257.94(a) or § 257.95(a).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
193	(h)	(1)				In determining whether a statistically significant increase has occurred, the owner or operator must compare the groundwater quality of each constituent at each monitoring well designated pursuant to § 257.91(a)(2) or (d)(1) to the background value of that constituent, according to the statistical procedures and performance standards specified under paragraphs (f) and (g) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
194	(h)	(2)				Within 90 days after completing sampling and analysis, the owner or operator must determine whether there has been a statistically significant increase over background for any constituent at each monitoring well.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
195	(i)					The owner or operator must measure “total recoverable metals” concentrations in measuring groundwater quality. Measurement of total recoverable metals captures both the particulate fraction and dissolved fraction of metals in natural waters. Groundwater samples shall not be fieldfiltered prior to analysis.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
196	(j)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
197	§ 257.94 Detection Monitoring Program								
198	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (f) and all their components.</i>								
199	(a)					The owner or operator of a CCR unit must conduct detection monitoring at all groundwater monitoring wells consistent with this section. At a minimum, a detection monitoring program must include groundwater monitoring for all constituents listed in appendix III to this part.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
200	(b)					Except as provided in paragraph (d) of this section, the monitoring frequency for the constituents listed in appendix III to this part shall be at least semiannual during the active life of the CCR unit and the post-closure period. For existing CCR landfills and existing CCR surface impoundments, a minimum of eight independent samples from each background and downgradient well must be collected and analyzed for the constituents listed in appendix III and IV to this part no later than October 17, 2017. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, a minimum of eight independent samples for each background well must be collected and analyzed for the constituents listed in appendices III and IV to this part during the first six months of sampling.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
201	(c)					The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
202	(d)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix III to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (d)(1) and (2) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
203	(d)	(1)	(i)			<i>The alternative frequency must be based on consideration of the following factors:</i> Lithology of the aquifer and unsaturated zone;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
204	(d)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
205	(d)	(1)	(iii)			Groundwater flow rates.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
206	(d)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay establishment of an assessment monitoring program.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
207	(d)	(3)				The owner or operator must obtain a certification from a qualified demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
208	(e)	(1)				<i>If the owner or operator of the CCR unit determines, pursuant to § 257.93(h) that there is a statistically significant increase over background levels for one or more of the constituents listed in appendix III to this part at any monitoring well at the waste boundary specified under § 257.91(a)(2), the owner or operator must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Except as provided for in paragraph (e)(2) of this section, within 90 days of detecting a statistically significant increase over background levels for any constituent, establish an assessment monitoring program meeting the requirements of § 257.95.			

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
209	(e)	(2)				The owner or operator may demonstrate that a source other than the CCR unit caused the statistically significant increase over background levels for a constituent or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. The owner or operator must complete the written demonstration within 90 days of detecting a statistically significant increase over background levels to include obtaining a certification from a qualified professional engineer verifying the accuracy of the information in the report. If a successful demonstration is completed within the 90-day period, the owner or operator of the CCR unit may continue with a detection monitoring program under this section. If a successful demonstration is not completed within the 90-day period, the owner or operator of the CCR unit must initiate an assessment monitoring program as required under § 257.95. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
210	(e)	(3)				The owner or operator of a CCR unit must prepare a notification stating that an assessment monitoring program has been established. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
211	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
212	§ 257.95 Assessment Monitoring Program								
213	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (h) and all their components.</i>								
214	(a)					Assessment monitoring is required whenever a statistically significant increase over background levels has been detected for one or more of the constituents listed in appendix III to this part.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
215	(b)					Within 90 days of triggering an assessment monitoring program, and annually thereafter, the owner or operator of the CCR unit must sample and analyze the groundwater for all constituents listed in appendix IV to this part. The number of samples collected and analyzed for each well during each sampling event must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each well.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
216	(c)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix IV to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (c)(1) and (2) of this section. Information documenting that the need for less frequent sampling.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
217	(c)	(1)	(i)			<i>The alternative frequency must be based on consideration of the following factors:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Lithology of the aquifer and unsaturated zone;			
218	(c)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
219	(c)	(1)	(iii)			Groundwater flow rates.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
220	(c)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay the initiation of any necessary remediation measures.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
221	(c)	(3)				The owner or operator must obtain a certification from a qualified professional engineer stating that the demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						<i>After obtaining the results from the initial and subsequent sampling events required in paragraph (b) of this section, the owner or operator must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
222	(d)	(1)				Within 90 days of obtaining the results, and on at least a semiannual basis thereafter, resample all wells that were installed pursuant to the requirements of § 257.91, conduct analyses for all parameters in appendix III to this part and for those constituents in appendix IV to this part that are detected in response to paragraph (b) of this section, and record their concentrations in the facility operating record. The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well;			
223	(d)	(2)				Establish groundwater protection standards for all constituents detected pursuant to paragraph (b) or (d) of this section. The groundwater protection standards must be established in accordance with paragraph (h) of this section; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
224	(d)	(3)				Include the recorded concentrations required by paragraph (d)(1) of this section, identify the background concentrations established under § 257.94(b), and identify the groundwater protection standards established under paragraph (d)(2) of this section in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
225	(e)					If the concentrations of all constituents listed in appendices III and IV to this part are shown to be at or below background values, using the statistical procedures in § 257.93(g), for two consecutive sampling events, the owner or operator may return to detection monitoring of the CCR unit. The owner or operator must prepare a notification stating that detection monitoring is resuming for the CCR unit. The owner or operator has completed the notification when the notification is placed in the facility’s operating record as required by § 257.105(h)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
226	(f)					If the concentrations of any constituent in appendices III and IV to this part are above background values, but all concentrations are below the groundwater protection standard established under paragraph (h) of this section, using the statistical procedures in § 257.93(g), the owner or operator must continue assessment monitoring in accordance with this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
227	(g)					If one or more constituents in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under paragraph (h) of this section in any sampling event, the owner or operator must prepare a notification identifying the constituents in appendix IV to this part that have exceeded the groundwater protection standard. The owner or operator has completed the notification when the notification is placed in the facility’s operating record as required by § 257.105(h)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
228	(g)	(1)	(i)			<i>The owner or operator of the CCR unit also must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Characterize the nature and extent of the release and any relevant site conditions that may affect the remedy ultimately selected. The characterization must be sufficient to support a complete and accurate assessment of the corrective measures necessary to effectively clean up all releases from the CCR unit pursuant to § 257.96. Characterization of the release includes the following minimum measures: Install additional monitoring wells necessary to define the contaminant plume(s);	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
230	(g)	(1)	(ii)			Collect data on the nature and estimated quantity of material released including specific information on the constituents listed in appendix IV of this part and the levels at which they are present in the material released;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
231	(g)	(1)	(iii)			Install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with paragraph (d)(1) of this section; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
232	(g)	(1)	(iv)			Sample all wells in accordance with paragraph (d)(1) of this section to characterize the nature and extent of the release.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
233	(g)	(2)				Notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site if indicated by sampling of wells in accordance with paragraph (g)(1) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
234	(g)	(2)	(i)			The owner or operator has completed the notifications when they are placed in the facility’s operating record as required by § 257.105(h)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
235	(g)	(3)	(i)			<i>Within 90 days of finding that any of the constituents listed in appendix IV to this part have been detected at a statistically significant level exceeding the groundwater protection standards the owner or operator must either:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Initiate an assessment of corrective measures as required by § 257.96; or			

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
236	(g)	(3)	(ii)			Demonstrate that a source other than the CCR unit caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. Any such demonstration must be supported by a report that includes the factual or evidentiary basis for any conclusions and must be certified to be accurate by a qualified professional engineer. If a successful demonstration is made, the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to this section, and may return to detection monitoring if the constituents in appendices III and IV to this part are at or below background as specified in paragraph (e) of this section. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
237	(g)	(4)				If a successful demonstration has not been made at the end of the 90 day period provided by paragraph (g)(3)(ii) of this section, the owner or operator of the CCR unit must initiate the assessment of corrective measures requirements under § 257.96.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
238	(g)	(5)				If an assessment of corrective measures is required under § 257.96 by either paragraph (g)(3)(i) or (g)(4) of this section, and if the CCR unit is an existing unlined CCR surface impoundment as determined by § 257.71(a), then the CCR unit is subject to the closure requirements under § 257.101(a) to retrofit or close. In addition, the owner or operator must prepare a notification stating that an assessment of corrective measures has been initiated.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
239	(h)					The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
240	(h)	(1)				<i>The groundwater protection standard shall be:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater. The groundwater protection standard shall be: For constituents for which a maximum contaminant level (MCL) has been established under §§ 141.62 and 141.66 of this title, the MCL for that constituent;			
241	(h)	(2)				For constituents for which an MCL has not been established, the background concentration for the constituent established from wells in accordance with § 257.91; or	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
242	(h)	(3)				For constituents for which the background level is higher than the MCL identified under paragraph (h)(1) of this section, the background concentration. (i) The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
243	§ 257.96 Assessment of Corrective Measures								
244	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (f) and all their components.</i>								
245	(a)					Within 90 days of finding that any constituent listed in appendix IV to this part has been detected at a statistically significant level exceeding the groundwater protection standard defined under § 257.95(h), or immediately upon detection of a release from a CCR unit, the owner or operator must initiate an assessment of corrective measures to prevent further releases, to remediate any releases and to restore affected area to original conditions. The assessment of corrective measures must be completed within 90 days, unless the owner or operator demonstrates the need for additional time to complete the assessment of corrective measures due to site-specific conditions or circumstances. The owner or operator must obtain a certification from a qualified professional engineer attesting that the demonstration is accurate. The 90-day deadline to complete the assessment of corrective measures may be extended for no longer than 60 days. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
246	(b)					The owner or operator of the CCR unit must continue to monitor groundwater in accordance with the assessment monitoring program as specified in § 257.95.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
247	(c)	(1)				<i>The assessment under paragraph (a) of this section must include an analysis of the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy as described under § 257.97 addressing at least the following:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						The performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;			

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
248	(c)	(2)				The time required to begin and complete the remedy;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
249	(c)	(3)				The institutional requirements, such as state or local permit requirements or other environmental or public health requirements that may substantially affect implementation of the remedy(s).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
250	(d)					The owner or operator must place the completed assessment of corrective measures in the facility's operating record. The assessment has been completed when it is placed in the facility's operating record as required by § 257.105(h)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
251	(e)					The owner or operator must discuss the results of the corrective measures assessment at least 30 days prior to the selection of remedy, in a public meeting with interested and affected parties.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
252	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
253	§ 257.97 Selection of Remedy								
254	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (e) and all their components.</i>								
255	(a)					Based on the results of the corrective measures assessment conducted under § 257.96, the owner or operator must, as soon as feasible, select a remedy that, at a minimum, meets the standards listed in paragraph (b) of this section. This requirement applies to, not in place of, any applicable standards under the Occupational Safety and Health Act. The owner or operator must prepare a semiannual report describing the progress in selecting and designing the remedy. Upon selection of a remedy, the owner or operator must prepare a final report describing the selected remedy and how it meets the standards specified in paragraph (b) of this section. The owner or operator must obtain a certification from a qualified professional engineer that the remedy selected meets the requirements of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
256	(b)	(1)				<i>Remedies must:</i> Be protective of human health and the environment;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
257	(b)	(2)				Attain the groundwater protection standard as specified pursuant to § 257.95(h);	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
258	(b)	(3)				Control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of constituents in appendix IV to this part into the environment;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
259	(b)	(4)				Remove from the environment as much of the contaminated material that was released from the CCR unit as is feasible, taking into account factors such as avoiding inappropriate disturbance of sensitive ecosystems;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
260	(b)	(5)				Comply with standards for management of wastes as specified in § 257.98(d).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
261	(c)					<i>In selecting a remedy that meets the standards of paragraph (b) of this section, the owner or operator of the CCR unit shall consider the following evaluation factors:</i> The long- and short-term effectiveness and protectiveness of the potential remedy(s), along with the degree of certainty that the remedy will prove successful.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
262	(c)	(1)	(i)			<i>The remedy will prove successful based on consideration of the following:</i> Magnitude of reduction of existing risks;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
263	(c)	(1)	(ii)			Magnitude of residual risks in terms of likelihood of further releases due to CCR remaining following implementation of a remedy;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
264	(c)	(1)	(iii)			The type and degree of long-term management required, including monitoring, operation, and maintenance;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
265	(c)	(1)	(iv)			Short-term risks that might be posed to the community or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and redisposal of contaminant;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
266	(c)	(1)	(v)			Time until full protection is achieved;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
267	(c)	(1)	(vi)			Potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, re-disposal, or containment;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
268	(c)	(1)	(vii)			Long-term reliability of the engineering and institutional controls; and (viii) Potential need for replacement of the remedy.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
269	(c)	(2)	(i)			<i>The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors:</i> The extent to which containment practices will reduce further releases; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
270	(c)	(2)	(ii)			The extent to which treatment technologies may be used.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
271	(c)	(3)	(i)			<i>The ease or difficulty of implementing a potential remedy(s) based on consideration of the following types of factors:</i> Degree of difficulty associated with constructing the technology;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
272	(c)	(3)	(ii)			Expected operational reliability of the technologies;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
273	(c)	(3)	(iii)			Need to coordinate with and obtain necessary approvals and permits from other agencies;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
274	(c)	(3)	(iv)			Availability of necessary equipment and specialists; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
275	(c)	(3)	(v)			Available capacity and location of needed treatment, storage, and disposal services.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
276	(c)	(4)				The degree to which community concerns are addressed by a potential remedy(s).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
277	(d)					The owner or operator must specify as part of the selected remedy a schedule(s) for implementing and completing remedial activities. Such a schedule must require the completion of remedial activities within a reasonable period of time taking into consideration the factors set forth in paragraphs (d)(1) through (6) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
278	(d)	(1)				<i>The owner or operator of the CCR unit must consider the following factors in determining the schedule of remedial activities:</i> Extent and nature of contamination, as determined by the characterization required under § 257.95(g);	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
279	(d)	(2)				Reasonable probabilities of remedial technologies in achieving compliance with the groundwater protection standards established under § 257.95(h) and other objectives of the remedy;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
280	(d)	(3)				Availability of treatment or disposal capacity for CCR managed during implementation of the remedy;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
281	(d)	(4)				Potential risks to human health and the environment from exposure to contamination prior to completion of the remedy;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
282	(d)	(5)	(i)			Resource value of the aquifer including: Current and future uses;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
283	(d)	(5)	(ii)			Proximity and withdrawal rate of users;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
284	(d)	(5)	(iii)			Groundwater quantity and quality;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
285	(d)	(5)	(iv)			The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to CCR constituents;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
286	(d)	(5)	(v)			The hydrogeologic characteristic of the facility and surrounding land; and (vi) The availability of alternative water supplies; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
287	(d)	(6)				Other relevant factors.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
288	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
289	§ 257.98 Implementation of the Corrective Action Program								
290	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (f) and all their components.</i>								
291	(a)					Within 90 days of selecting a remedy under § 257.97, the owner or operator must initiate remedial activities.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
292	(a)	(1)				<i>Based on the schedule established under § 257.97(d) for implementation and completion of remedial activities the owner or operator must:</i> Establish and implement a corrective action groundwater monitoring program.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
293	(a)	(1)	(i)			<i>The corrective action groundwater monitoring program must:</i> At a minimum, meets the requirements of an assessment monitoring program under § 257.95;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
294	(a)	(1)	(ii)			Documents the effectiveness of the corrective action remedy; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
295	(a)	(1)	(iii)			Demonstrates compliance with the groundwater protection standard pursuant to paragraph (c) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
296	(a)	(2)				Implement the corrective action remedy selected under § 257.97; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
297	(a)	(3)				Take any interim measures necessary to reduce the contaminants leaching from the CCR unit, and/or potential exposures to human or ecological receptors. Interim measures must, to the greatest extent feasible, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to § 257.97.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
298	(a)	(3)	(i)			<i>The following factors must be considered by an owner or operator in determining whether interim measures are necessary:</i> Time required to develop and implement a final remedy;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
299	(a)	(3)	(ii)			Actual or potential exposure of nearby populations or environmental receptors to any of the constituents listed in appendix IV of this part;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
300	(a)	(3)	(iii)			Actual or potential contamination of drinking water supplies or sensitive ecosystems;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
301	(a)	(3)	(iv)			Further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
302	(a)	(3)	(v)			Weather conditions that may cause any of the constituents listed in appendix IV to this part to migrate or be released;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
303	(a)	(3)	(vi)			Potential for exposure to any of the constituents listed in appendix IV to this part as a result of an accident or failure of a container or handling system; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
304	(a)	(3)	(vii)			Other situations that may pose threats to human health and the environment.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
305	(b)					If an owner or operator of the CCR unit, determines, at any time, that compliance with the requirements of § 257.97(b) is not being achieved through the remedy selected, the owner or operator must implement other methods or techniques that could feasibly achieve compliance with the requirements.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
306	(c)	(1)				<i>Remedies selected pursuant to § 257.97 shall be considered complete when:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						The owner or operator of the CCR unit demonstrates compliance with the groundwater protection standards established under § 257.95(h) has been achieved at all points within the plume of contamination that lie beyond the groundwater monitoring well system established under § 257.91.			
307	(c)	(2)				Compliance with the groundwater protection standards established under § 257.95(h) has been achieved by demonstrating that concentrations of constituents listed in appendix IV to this part have not exceeded the groundwater protection standard(s) for a period of three consecutive years using the statistical procedures and performance standards in § 257.93(f) and (g).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
308	(c)	(3)				All actions required to complete the remedy have been satisfied.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
309	(d)					All CCR that are managed pursuant to a remedy required under § 257.97, or an interim measure required under paragraph (a)(3) of this section, shall be managed in a manner that complies with all applicable RCRA requirements.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
310	(e)					Upon completion of the remedy, the owner or operator must prepare a notification stating that the remedy has been completed. The owner or operator must obtain a certification from a qualified professional engineer attesting that the remedy has been completed in compliance with the requirements of paragraph (c) of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
311	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
							Rule 391-3-4-.10(6)(b): When referenced in this Rule, Appendix III and Appendix IV constituents shall refer to those constituents as listed in Appendix III and IV of 40 CFR Part 257, Subpart D, 80 FR 21468, (Apr. 17, 2015), which are hereby incorporated by reference.		
							Rule 391-3-4-.10(6) (c): The owner or operator of a CCR unit must submit a semi-annual report to the Division to coincide with the semi-annual sampling event. A qualified groundwater scientist must certify the report.		
							Rule 391-3-4-.10(6)(d): The Division must provide concurrence with the following actions in order for them to be complete: 1. Groundwater monitoring system design 2. Groundwater sampling and analysis plan 3. Groundwater monitoring well installation 4. Alternate source demonstration 5. Selection of remedy 6. Completion of remedy		
							Rule 391-3-4-.10(6)(e): The Director may require the analysis of additional parameters based on waste descriptions.		
							Rule 391-3-4-.10(6)(f): An owner or operator of a CCR unit shall continue to monitor for Appendix I or II constituents if these constituents have previously been detected at statistically significant levels above background concentrations.		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
							Rule 391-3-4-.10(6)(g): Monitoring wells require replacement after two dry sampling events, unless an alternate schedule has been approved by the Division. A minor modification shall be submitted in accordance with subparagraph (4)(b)7 of Rule 391-3-4-.02 prior to the installation or decommissioning of monitoring wells. Well installation must be directed by a qualified groundwater scientist.		
312	§ 257.101 Closure or Retrofit of CCR Units								
313	The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								
314	(a)	(1)				The owner or operator of an existing unlined CCR surface impoundment, as determined under § 257.71(a), is subject to the requirements of paragraph (a)(1) of this section. Except as provided by paragraph (a)(3) of this section, if at any time after October 19, 2015 an owner or operator of an existing unlined CCR surface impoundment determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for such CCR unit, within six months of making such determination, the owner or operator of the existing unlined CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR surface impoundment and either retrofit or close the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
315	(a)	(2)				An owner or operator of an existing unlined CCR surface impoundment that closes in accordance with paragraph (a)(1) of this section must include a statement in the notification required under § 257.102(g) or (k)(5) that the CCR surface impoundment is closing or retrofitting under the requirements of paragraph (a)(1) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
316	(a)	(3)				The timeframe specified in paragraph (a)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
317	(a)	(4)				At any time after the initiation of closure under paragraph (a)(1) of this section, the owner or operator may cease closure activities and initiate a retrofit of the CCR unit in accordance with the requirements of § 257.102(k).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
318	(b)	(1)				The owner or operator of an existing CCR surface impoundment is subject to the requirements of paragraph (b)(1) of this section. Except as provided by paragraph (b)(4) of this section, within six months of determining that an existing CCR surface impoundment has not demonstrated compliance with any location standard specified in §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
319	(b)	(2)				Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.73(e) by the deadlines specified in § 257.73(f)(1) through (3) or failing to document that the calculated factors of safety for the existing CCR surface impoundment achieve the minimum safety factors specified in § 257.73(e)(1)(i) through (iv), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
320	(b)	(3)				An owner or operator of an existing CCR surface impoundment that closes in accordance with paragraphs (b)(1) or (2) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraphs (b)(1) or (2) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
321	(b)	(4)				The timeframe specified in paragraph (b)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
322	(c)	(1)				The owner or operator of a new CCR surface impoundment is subject to the requirements of paragraph (c)(1) of this section. Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.74(e) by the deadlines specified in § 257.74(f)(1) through (3) or failing to document that the calculated factors of safety for the new CCR surface impoundment achieve the minimum safety factors specified in § 257.74(e)(1)(i) through (v), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
323	(c)	(2)				An owner or operator of an new CCR surface impoundment that closes in accordance with paragraph (c)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraph (c)(1) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
324	(d)	(1)				The owner or operator of an existing CCR landfill is subject to the requirements of paragraph (d)(1) of this section. Except as provided by paragraph (d)(3) of this section, within six months of determining that an existing CCR landfill has not demonstrated compliance with the location restriction for unstable areas specified in § 257.64(a), the owner or operator of the CCR unit must cease placing CCR and non-CCR waste streams into such CCR landfill and close the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
325	(d)	(2)				An owner or operator of an existing CCR landfill that closes in accordance with paragraph (d)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR landfill is closing under the requirements of paragraph (d)(1) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
326	(d)	(3)				The timeframe specified in paragraph (d)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
327						§ 257.102 Criteria for Conducting the Closure or Retrofit of CCR Units			
328						<i>The owner of operator of the CCR unit must meet all the requirements (a) through (k) and all their components.</i>			
329	(a)					Closure of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must be completed either by leaving the CCR in place and installing a final cover system or through removal of the CCR and decontamination of the CCR unit, as described in paragraphs (b) through (j) of this section. Retrofit of a CCR surface impoundment must be completed in accordance with the requirements in paragraph (k) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
330	(b)	(1)				The owner or operator of a CCR unit must prepare a written closure plan that describes the steps necessary to close the CCR unit at any point during the active life of the CCR unit consistent with recognized and generally accepted good engineering practices.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
331	(b)	(1)	(i)			<i>The written closure plan must include, at a minimum, the information specified in paragraphs (b)(1)(i) through (vi) of this section:</i> A narrative description of how the CCR unit will be closed in accordance with this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
332	(b)	(1)	(ii)			If closure of the CCR unit will be accomplished through removal of CCR from the CCR unit, a description of the procedures to remove the CCR and decontaminate the CCR unit in accordance with paragraph (c) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
333	(b)	(1)	(iii)			If closure of the CCR unit will be accomplished by leaving CCR in place, a description of the final cover system, designed in accordance with paragraph (d) of this section, and the methods and procedures to be used to install the final cover. The closure plan must also discuss how the final cover system will achieve the performance standards specified in paragraph (d) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
334	(b)	(1)	(iv)			An estimate of the maximum inventory of CCR ever on-site over the active life of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
335	(b)	(1)	(v)			An estimate of the largest area of the CCR unit ever requiring a final cover as required by paragraph (d) of this section at any time during the CCR unit's active life.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
336	(b)	(1)	(v)			A schedule for completing all activities necessary to satisfy the closure criteria in this section, including an estimate of the year in which all closure activities for the CCR unit will be completed. The schedule should provide sufficient information to describe the sequential steps that will be taken to close the CCR unit, including identification of major milestones such as coordinating with and obtaining necessary approvals and permits from other agencies, the dewatering and stabilization phases of CCR surface impoundment closure, or installation of the final cover system, and the estimated timeframes to complete each step or phase of CCR unit closure. When preparing the written closure plan, if the owner or operator of a CCR unit estimates that the time required to complete closure will exceed the timeframes specified in paragraph (f)(1) of this section, the written closure plan must include the site-specific information, factors and considerations that would support any time extension sought under paragraph (f)(2) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
337	(b)	(2)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than October 17, 2016.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
338	(b)	(2)	(ii)			For new CCR landfills and new CCR surface impoundments, and any lateral expansion of a CCR unit, the owner or operator must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than the date of the initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
339	(b)	(2)	(iii)			The owner or operator has completed the written closure plan when the plan, including the certification required by paragraph (b)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
340	(b)	(3)	(i)			The owner or operator may amend the initial or any subsequent written closure plan developed pursuant to paragraph (b)(1) of this section at any time.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
341	(b)	(3)	(ii)	(A)		<i>The owner or operator must amend the written closure plan whenever:</i> There is a change in the operation of the CCR unit that would substantially affect the written closure plan in effect; or	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
342	(b)	(3)	(ii)	(B)		Before or after closure activities have commenced, unanticipated events necessitate a revision of the written closure plan.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
343	(b)	(3)	(iii)			The owner or operator must amend the closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written closure plan. If a written closure plan is revised after closure activities have commenced for a CCR unit, the owner or operator must amend the current closure plan no later than 30 days following the triggering event.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
344	(b)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
345	(c)					An owner or operator may elect to close a CCR unit by removing and decontaminating all areas affected by releases from the CCR unit. CCR removal and decontamination of the CCR unit are complete when constituent concentrations throughout the CCR unit and any areas affected by releases from the CCR unit have been removed and groundwater monitoring concentrations do not exceed the groundwater protection standard established pursuant to § 257.95(h) for constituents listed in appendix IV to this part.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
346	(d)	(1)	(i)			<i>The owner or operator of a CCR unit must ensure that, at a minimum, the CCR unit is closed in a manner that will:</i> Control, minimize or eliminate, to the maximum extent feasible, postclosure infiltration of liquids into the waste and releases of CCR, leachate, or contaminated run-off to the ground or surface waters or to the atmosphere;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
347	(d)	(1)	(ii)			Preclude the probability of future impoundment of water, sediment, or slurry;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
348	(d)	(1)	(iii)			Include measures that provide for major slope stability to prevent the sloughing or movement of the final cover system during the closure and post-closure care period;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
349	(d)	(1)	(iv)			Minimize the need for further maintenance of the CCR unit; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
350	(d)	(1)	(v)			Be completed in the shortest amount of time consistent with recognized and generally accepted good engineering practices.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
351	(d)	(2)	(i)			<i>The owner or operator of a CCR surface impoundment or any lateral expansion of a CCR surface impoundment must meet the requirements of paragraphs (d)(2)(i) and (ii) of this section prior to installing the final cover system required under paragraph (d)(3) of this section.</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
						Free liquids must be eliminated by removing liquid wastes or solidifying the remaining wastes and waste residues.			
352	(d)	(2)	(ii)			Remaining wastes must be stabilized sufficient to support the final cover system.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
353	(d)	(3)				If a CCR unit is closed by leaving CCR in place, the owner or operator must install a final cover system that is designed to minimize infiltration and erosion, and at a minimum, meets the requirements of paragraph (d)(3)(i) of this section, or the requirements of the alternative final cover system specified in paragraph (d)(3)(ii) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
354	(d)	(3)	(i)			The final cover system must be designed and constructed to meet the criteria in paragraphs (d)(3)(i)(A) through (D) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
355	(d)	(3)	(i)	(A)		<i>The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						The permeability of the final cover system must be less than or equal to the permeability of any bottom liner system or natural subsoils present, or a permeability no greater than 1×10^{-5} cm/sec, whichever is less.			
356	(d)	(3)	(i)	(B)		The infiltration of liquids through the closed CCR unit must be minimized by the use of an infiltration layer that contains a minimum of 18 inches of earthen material.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
357	(d)	(3)	(i)	(C)		The erosion of the final cover system must be minimized by the use of an erosion layer that contains a minimum of six inches of earthen material that is capable of sustaining native plant growth.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
358	(d)	(3)	(i)	(D)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
359	(d)	(3)	(ii)			The owner or operator may select an alternative final cover system design, provided the alternative final cover system is designed and constructed to meet the criteria in paragraphs (f)(3)(ii)(A) through (D) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
360	(d)	(3)	(ii)	(A)		<i>The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						The design of the final cover system must include an infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in paragraphs (d)(3)(i)(A) and (B) of this section.			
361	(d)	(3)	(ii)	(B)		The design of the final cover system must include an erosion layer that provides equivalent protection from wind or water erosion as the erosion layer specified in paragraph (d)(3)(i)(C) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
362	(d)	(3)	(ii)	(C)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
363	(d)	(3)	(iii)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the design of the final cover system meets the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
364	(e)					Except as provided for in paragraph (e)(4) of this section and § 257.103, the owner or operator of a CCR unit must commence closure of the CCR unit no later than the applicable timeframes specified in either paragraph (e)(1) or (2) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
365	(e)	(1)	(i)			<i>The owner or operator must commence closure of the CCR unit no later than 30 days after the date on which the CCR unit either:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						Receives the known final receipt of waste, either CCR or any non-CCR waste stream; or			
366	(e)	(1)	(ii)			Removes the known final volume of CCR from the CCR unit for the purpose of beneficial use of CCR.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
367	(e)	(2)	(i)			Except as provided by paragraph (e)(2)(ii) of this section, the owner or operator must commence closure of a CCR unit that has not received CCR or any non-CCR waste stream or is no longer removing CCR for the purpose of beneficial use within two years of the last receipt of waste or within two years of the last removal of CCR material for the purpose of beneficial use.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
368	(e)	(2)	(ii)			Notwithstanding paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit may secure an additional two years to initiate closure of the idle unit provided the owner or operator provides written documentation that the CCR unit will continue to accept wastes or will start removing CCR for the purpose of beneficial use. The documentation must be supported by, at a minimum, the information specified in paragraphs (e)(2)(ii)(A) and (B) of this section. The owner or operator may obtain two-year extensions provided the owner or operator continues to be able to demonstrate that there is reasonable likelihood that the CCR unit will accept wastes in the foreseeable future or will remove CCR from the unit for the purpose of beneficial use. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by § 257.105(i)(5) prior to the end of any two-year period.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
369	(e)	(2)	(ii)	(A)		Information documenting that the CCR unit has remaining storage or disposal capacity or that the CCR unit can have CCR removed for the purpose of beneficial use; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
370	(e)	(2)	(ii)	(B)		Information demonstrating that that there is a reasonable likelihood that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future or that CCR can be removed for the purpose of beneficial use. The narrative must include a best estimate as to when the CCR unit will resume receiving CCR or non-CCR waste streams. The situations listed in paragraphs (e)(2)(ii)(B)(1) through (4) of this section are examples of situations that would support a determination that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
371	(e)	(2)	(ii)	(B)	(1)	Normal plant operations include periods during which the CCR unit does not receive CCR or non-CCR waste streams, such as the alternating use of two or more CCR units whereby at any point in time one CCR unit is receiving CCR while CCR is being removed from a second CCR unit after its dewatering.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
372	(e)	(2)	(ii)	(B)	(2)	The CCR unit is dedicated to a coal-fired boiler unit that is temporarily idled (e.g., CCR is not being generated) and there is a reasonable likelihood that the coal-fired boiler will resume operations in the future.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
373	(e)	(2)	(ii)	(B)	(3)	The CCR unit is dedicated to an operating coal-fired boiler (i.e., CCR is being generated); however, no CCR are being placed in the CCR unit because the CCR are being entirely diverted to beneficial uses, but there is a reasonable likelihood that the CCR unit will again be used in the foreseeable future.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
374	(e)	(2)	(ii)	(B)	(4)	The CCR unit currently receives only non-CCR waste streams and those non-CCR waste streams are not generated for an extended period of time, but there is a reasonable likelihood that the CCR unit will again receive non-CCR waste streams in the future.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
375	(e)	(2)	(iii)			In order to obtain additional time extension(s) to initiate closure of a CCR unit beyond the two years provided by paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (e)(2)(ii) of this section the following statement signed by the owner or operator or an authorized representative: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
376	(e)	(3)	(i)			<i>For purposes of this subpart, closure of the CCR unit has commenced if the owner or operator has ceased placing waste and completes any of the following actions or activities:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						Taken any steps necessary to implement the written closure plan required by paragraph (b) of this section;			
377	(e)	(3)	(ii)			Submitted a completed application for any required state or agency permit or permit modification; or	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
378	(e)	(3)	(iii)			Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the closure of a CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
379	(e)	(4)	(i)			The timeframes specified in paragraphs (e)(1) and (2) of this section do not apply to any of the following owners or operators: An owner or operator of an inactive CCR surface impoundment closing the CCR unit as required by § 257.100(b);	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
380	(e)	(4)	(ii)			An owner or operator of an existing unlined CCR surface impoundment closing the CCR unit as required by § 257.101(a);	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
381	(e)	(4)	(iii)			An owner or operator of an existing CCR surface impoundment closing the CCR unit as required by § 257.101(b);	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
382	(e)	(4)	(iv)			An owner or operator of a new CCR surface impoundment closing the CCR unit as required by § 257.101(c); or	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
383	(f)					An owner or operator of an existing CCR landfill closing the CCR unit as required by § 257.101(d). (f) Completion of closure activities.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
384	(f)	(1)	(i)			<i>Except as provided for in paragraph (f)(2) of this section, the owner or operator must complete closure of the CCR unit:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						For existing and new CCR landfills and any lateral expansion of a CCR landfill, within six months of commencing closure activities.			
385	(f)	(1)	(ii)			For existing and new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, within five years of commencing closure activities.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
386	(f)	(2)	(i)			The timeframes for completing closure of a CCR unit specified under paragraphs (f)(1) of this section may be extended if the owner or operator can demonstrate that it was not feasible to complete closure of the CCR unit within the required timeframes due to factors beyond the facility's control. If the owner or operator is seeking a time extension beyond the time specified in the written closure plan as required by paragraph (b)(1) of this section, the demonstration must include a narrative discussion providing the basis for additional time beyond that specified in the closure plan. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by § 257.105(i)(6) prior to the end of any two-year period.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
387	(f)	(2)	(i)	(A)		<i>Factors that may support such a demonstration include:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						Complications stemming from the climate and weather, such as unusual amounts of precipitation or a significantly shortened construction season;			
388	(f)	(2)	(i)	(B)		Time required to dewater a surface impoundment due to the volume of CCR contained in the CCR unit or the characteristics of the CCR in the unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
389	(f)	(2)	(i)	(C)		The geology and terrain surrounding the CCR unit will affect the amount of material needed to close the CCR unit; or	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
390	(f)	(2)	(i)	(D)		Time required or delays caused by the need to coordinate with and obtain necessary approvals and permits from a state or other agency.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
391	(f)	(2)	(ii)	(A)		CCR surface impoundments of 40 acres or smaller may extend the time to complete closure by no longer than two years.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
392	(f)	(2)	(ii)	(B)		CCR surface impoundments larger than 40 acres may extend the timeframe to complete closure of the CCR unit multiple times, in two-year increments. For each two-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of five two-year extensions may be obtained for any CCR surface impoundment.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
393	(f)	(2)	(ii)	(C)		CCR landfills may extend the timeframe to complete closure of the CCR unit multiple times, in one-year increments. For each one-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of two one-year extensions may be obtained for any CCR landfill.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
394	(f)	(2)	(iii)			<i>In order to obtain additional time extension(s) to complete closure of a CCR unit beyond the times provided by paragraph (f)(1) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (f)(2)(i) of this section the following statement signed by the owner or operator or an authorized representative:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
395	(f)	(3)				Upon completion, the owner or operator of the CCR unit must obtain a certification from a qualified professional engineer verifying that closure has been completed in accordance with the closure plan specified in paragraph (b) of this section and the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
396	(g)					No later than the date the owner or operator initiates closure of a CCR unit, the owner or operator must prepare a notification of intent to close a CCR unit. The notification must include the certification by a qualified professional engineer for the design of the final cover system as required by § 257.102(d)(3)(iii), if applicable. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
397	(h)					Within 30 days of completion of closure of the CCR unit, the owner or operator must prepare a notification of closure of a CCR unit. The notification must include the certification by a qualified professional engineer as required by § 257.102(f)(3). The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
398	(i)	(1)				Except as provided by paragraph (i)(4) of this section, following closure of a CCR unit, the owner or operator must record a notation on the deed to the property, or some other instrument that is normally examined during title search.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
399	(i)	(2)	(i)			<i>The notation on the deed must in perpetuity notify any potential purchaser of the property that:</i> The land has been used as a CCR unit; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
400	(i)	(2)	(ii)			Its use is restricted under the postclosure care requirements as provided by § 257.104(d)(1)(iii).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
401	(i)	(3)				Within 30 days of recording a notation on the deed to the property, the owner or operator must prepare a notification stating that the notation has been recorded. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
402	(i)	(4)				An owner or operator that closes a CCR unit in accordance with paragraph (c) of this section is not subject to the requirements of paragraphs (i)(1) through (3) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
403	(j)					The owner or operator of the CCR unit must comply with the closure recordkeeping requirements specified in § 257.105(i), the closure notification requirements specified in § 257.106(i), and the closure Internet requirements specified in § 257.107(i).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
404	(k)	(1)	(i)			<i>To retrofit an existing CCR surface impoundment, the owner or operator must:</i> First remove all CCR, including any contaminated soils and sediments from the CCR unit; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
405	(k)	(1)	(ii)			Comply with the requirements in § 257.72.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
406	(k)	(1)	(iii)			A CCR surface impoundment undergoing a retrofit remains subject to all other requirements of this subpart, including the requirement to conduct any necessary corrective action.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
407	(k)	(2)	(i)			The owner or operator must prepare a written retrofit plan that describes the steps necessary to retrofit the CCR unit consistent with recognized and generally accepted good engineering practices.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
408	(k)	(2)	(i)	(A)		<i>The written retrofit plan must include, at a minimum, all of the following information:</i> A narrative description of the specific measures that will be taken to retrofit the CCR unit in accordance with this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
409	(k)	(2)	(i)	(B)		A description of the procedures to remove all CCR and contaminated soils and sediments from the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
410	(k)	(2)	(i)	(C)		An estimate of the maximum amount of CCR that will be removed as part of the retrofit operation.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
411	(k)	(2)	(i)	(D)		An estimate of the largest area of the CCR unit that will be affected by the retrofit operation.			
412	(k)	(2)	(i)	(E)		A schedule for completing all activities necessary to satisfy the retrofit criteria in this section, including an estimate of the year in which retrofit activities of the CCR unit will be completed.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
413	(k)	(2)	(ii)	(A)		Timeframes for preparing the initial written retrofit plan. No later than 60 days prior to date of initiating retrofit activities, the owner or operator must prepare an initial written retrofit plan consistent with the requirements specified in paragraph (k)(2) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
414	(k)	(2)	(ii)	(A)	(1)	<i>For purposes of this subpart, initiation of retrofit activities has commenced if the owner or operator has ceased placing waste in the unit and completes any of the following actions or activities:</i> Taken any steps necessary to implement the written retrofit plan;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
415	(k)	(2)	(ii)	(A)	(2)	Submitted a completed application for any required state or agency permit or permit modification; or	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
416	(k)	(2)	(ii)	(A)	(3)	Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the retrofit of a CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
417	(k)	(2)	(ii)	(B)		The owner or operator has completed the written retrofit plan when the plan, including the certification required by paragraph (k)(2)(iv) of this section, has been placed in the facility's operating record as required by § 257.105(j)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
418	(k)	(2)	(iii)	(A)		The owner or operator may amend the initial or any subsequent written retrofit plan at any time.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
419	(k)	(2)	(iii)	(B)	(1)	<i>The owner or operator must amend the written retrofit plan whenever:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						There is a change in the operation of the CCR unit that would substantially affect the written retrofit plan in effect; or			
420	(k)	(2)	(iii)	(B)	(2)	Before or after retrofit activities have commenced, unanticipated events necessitate a revision of the written retrofit plan.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
421	(k)	(2)	(iii)	(C)		The owner or operator must amend the retrofit plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the revision of an existing written retrofit plan. If a written retrofit plan is revised after retrofit activities have commenced for a CCR unit, the owner or operator must amend the current retrofit plan no later than 30 days following the triggering event.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
422	(k)	(2)	(iv)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the activities outlined in the written retrofit plan, including any amendment of the plan, meet the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
423	(k)	(3)				Deadline for completion of activities related to the retrofit of a CCR unit. Any CCR surface impoundment that is being retrofitted must complete all retrofit activities within the same time frames and procedures specified for the closure of a CCR surface impoundment in § 257.102(f) or, where applicable, § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
424	(k)	(4)				Upon completion, the owner or operator must obtain a certification from a qualified professional engineer verifying that the retrofit activities have been completed in accordance with the retrofit plan specified in paragraph (k)(2) of this section and the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
425	(k)	(5)				No later than the date the owner or operator initiates the retrofit of a CCR unit, the owner or operator must prepare a notification of intent to retrofit a CCR unit. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
426	(k)	(6)				Within 30 days of completing the retrofit activities specified in paragraph (k)(1) of this section, the owner or operator must prepare a notification of completion of retrofit activities. The notification must include the certification by a qualified professional engineer as required by paragraph (k)(4) of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
427	(k)	(7)				At any time after the initiation of a CCR unit retrofit, the owner or operator may cease the retrofit and initiate closure of the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
428	(k)	(8)				The owner or operator of the CCR unit must comply with the retrofit recordkeeping requirements specified in § 257.105(j), the retrofit notification requirements specified in § 257.106(j), and the retrofit Internet requirements specified in § 257.107(j).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
429						§ 257.103 Alternative Closure Requirements			
430						<i>The owner or operator of the CCR unit must meet either requirement (a) and all its components or (b) and all its components, in addition to requirements (c) through (d).</i>			
431	(a)	(1)				The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit that is subject to closure pursuant to § 257.101(a), (b)(1), or (d) may continue to receive CCR in the unit provided the owner or operator meets the requirements of either paragraph (a) or (b) of this section. Notwithstanding the provisions of § 257.101(a), (b)(1), or (d), a CCR unit may continue to receive CCR if the owner or operator of the CCR unit certifies that the CCR must continue to be managed in that CCR unit due to the absence of alternative disposal capacity both on-site and off-site of the facility.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
432	(a)	(1)	(i)			<i>To qualify under this paragraph (a)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section;			
433	(a)	(1)	(ii)			The owner or operator has made, and continues to make, efforts to obtain additional capacity. Qualification under this subsection lasts only as long as no alternative capacity is available. Once alternative capacity is identified, the owner or operator must arrange to use such capacity as soon as feasible;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
434	(a)	(1)	(iii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
435	(a)	(1)	(iv)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the development of alternative CCR disposal capacity.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
436	(a)	(2)				Once alternative capacity is available, the CCR unit must cease receiving CCR and initiate closure following the timeframes in § 257.102(e) and (f).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
437	(a)	(3)				If no alternative capacity is identified within five years after the initial certification, the CCR unit must cease receiving CCR and close in accordance with the timeframes in § 257.102(e) and (f).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
438	(b)	(1)				Notwithstanding the provisions of § 257.101(a), (b)(1), and (d), a CCR unit may continue to receive CCR if the owner or operator certifies that the facility will cease operation of the coalfired boilers within the timeframes specified in paragraphs (b)(2) through (4) of this section, but in the interim period (prior to closure of the coal-fired boiler), the facility must continue to use the CCR unit due to the absence of alternative disposal capacity both onsite and off-site of the facility.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
439	(b)	(1)	(i)			<i>To qualify under this paragraph (b)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section.			
440	(b)	(1)	(ii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
441	(b)	(1)	(iii)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the closure of the coal-fired boiler.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
442	(b)	(2)				For a CCR surface impoundment that is 40 acres or smaller, the coal-fired boiler must cease operation and the CCR surface impoundment must have completed closure no later than October 17, 2023.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
443	(b)	(3)				For a CCR surface impoundment that is larger than 40 acres, the coalfired boiler must cease operation, and the CCR surface impoundment must complete closure no later than October 17, 2028.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
444	(b)	(4)				For a CCR landfill, the coal-fired boiler must cease operation, and the CCR landfill must complete closure no later than April 19, 2021.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
445	(c)	(1)				Required notices and progress reports. An owner or operator of a CCR unit that closes in accordance with paragraphs (a) or (b) of this section must complete the notices and progress reports specified in paragraphs (c)(1) through (3) of this section. Within six months of becoming subject to closure pursuant to § 257.101(a), (b)(1), or (d), the owner or operator must prepare and place in the facility's operating record a notification of intent to comply with the alternative closure requirements of this section. The notification must describe why the CCR unit qualifies for the alternative closure provisions under either paragraph (a) or (b) of this section, in addition to providing the documentation and certifications required by paragraph (a) or (b) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
446	(c)	(2)				The owner or operator must prepare the periodic progress reports required by paragraphs (a)(1)(iv) or (b)(1)(iii), in addition to describing any problems encountered and a description of the actions taken to resolve the problems.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
447	(c)	(2)	(i)			<i>The annual progress reports must be completed according to the following schedule:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						The first annual progress report must be prepared no later than 13 months after completing the notification of intent to comply with the alternative closure requirements required by paragraph (c)(1) of this section.			
448	(c)	(2)	(ii)			The second annual progress report must be prepared no later than 12 months after completing the first annual progress report. Additional annual progress reports must be prepared within 12 months of completing the previous annual progress report.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
449	(c)	(2)	(iii)			The owner or operator has completed the progress reports specified in paragraph (c)(2) of this section when the reports are placed in the facility's operating record as required by § 257.105(i)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
450	(c)	(3)				An owner or operator of a CCR unit must also prepare the notification of intent to close a CCR unit as required by § 257.102(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
451	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
							Rule 391-3-4-.10(7)(c) The owner or operator must close the CCR unit in accordance with the written closure plan.		
							Rule 391-3-4-.10(7)(d) A notice of intent to close must be provided to the Director after receipt of the final load of waste.		
							Rule 391-3-4-.10(7)(e) Upon completion of closure activities, a professional engineer registered in Georgia shall prepare and submit a closure report to the Director. The closure report must be completed on forms provided by the Division. If the Director concurs with the closure report, closure will be deemed complete and the facility may begin the post-closure care period.		
							Rule 391-3-4-.10(7)(f) Concurrent with the submission of this closure report to the Director, the owner or operator must submit confirmation to the Director that a notation on the property deed has been recorded. This recording must in perpetuity notify any potential purchaser of the property that the land has been used as a CCR unit and that its use is restricted under the post closure care requirements of this Rule.		
452	§ 257.104 Post-Closure Care Requirements								
453	The owner or operator of the CCR unit must meet all the requirements (a) through (f) and all their components.								
454	(a)	(1)				Except as provided by either paragraph (a)(2) or (3) of this section, § 257.104 applies to the owners or operators of CCR landfills, CCR surface impoundments, and all lateral expansions of CCR units that are subject to the closure criteria under § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
455	(a)	(2)				An owner or operator of a CCR unit that elects to close a CCR unit by removing CCR as provided by § 257.102(c) is not subject to the postclosure care criteria under this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
456	(a)	(3)				An owner or operator of an inactive CCR surface impoundment that elects to close a CCR unit pursuant to the requirements under § 257.100(b) is <u>not</u> subject to the post-closure care criteria under this section.	Not adopted. Georgia Rule 391-3-4-.10(7)(g)1. requires that "An owner or operator of an inactive surface impoundment that elects to close a CCR unit pursuant to the requirements under 40 CFR 257.100(b) <u>IS</u> subject to the post- closure care criteria in 40 CFR 257.104. "		
457	(b)	(1)				<i>Following closure of the CCR unit, the owner or operator must conduct post-closure care for the CCR unit, which must consist of at least the following:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
						Maintaining the integrity and effectiveness of the final cover system, including making repairs to the final cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover;			
458	(b)	(2)				If the CCR unit is subject to the design criteria under § 257.70, maintaining the integrity and effectiveness of the leachate collection and removal system and operating the leachate collection and removal system in accordance with the requirements of § 257.70; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
459	(b)	(3)				Maintaining the groundwater monitoring system and monitoring the groundwater in accordance with the requirements of §§ 257.90 through 257.98.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
460	(c)	(1)				Except as provided by paragraph (c)(2) of this section, the owner or operator of the CCR unit must conduct post-closure care for 30 years.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
461	(c)	(2)				If at the end of the post-closure care period the owner or operator of the CCR unit is operating under assessment monitoring in accordance with § 257.95, the owner or operator must continue to conduct post-closure care until the owner or operator returns to detection monitoring in accordance with § 257.95.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
462	(d)	(1)	(i)			<i>The owner or operator of a CCR unit must prepare a written post-closure plan that includes, at a minimum, the information specified in paragraphs (d)(1)(i) through (iii) of this section.</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
						A description of the monitoring and maintenance activities required in paragraph (b) of this section for the CCR unit, and the frequency at which these activities will be performed;			
463	(d)	(1)	(ii)			The name, address, telephone number, and email address of the person or office to contact about the facility during the post-closure care period; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
464	(d)	(1)	(iii)			A description of the planned uses of the property during the post-closure period. Post-closure use of the property shall not disturb the integrity of the final cover, liner(s), or any other component of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in this subpart. Any other disturbance is allowed if the owner or operator of the CCR unit demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of CCR, will not increase the potential threat to human health or the environment. The demonstration must be certified by a qualified professional engineer, and notification shall be provided to the State Director that the demonstration has been placed in the operating record and on the owners or operator's publicly accessible Internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
465	(d)	(2)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must prepare an initial written post-closure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than October 17, 2016.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
466	(d)	(2)	(ii)			The owner or operator of a new CCR landfill, new CCR surface impoundment, and any lateral expansion of a CCR unit must prepare an initial written postclosure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than the date of the initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
467	(d)	(2)	(iii)			The owner or operator has completed the written post-closure plan when the plan, including the certification required by paragraph (d)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
468	(d)	(3)	(i)			The owner or operator may amend the initial or any subsequent written post-closure plan developed pursuant to paragraph (d)(1) of this section at any time.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
469	(d)	(3)	(ii)	(A)		<i>The owner or operator must amend the written closure plan whenever:</i> There is a change in the operation of the CCR unit that would substantially affect the written post-closure plan in effect; or	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
470	(d)	(3)	(ii)	(B)		After post-closure activities have commenced, unanticipated events necessitate a revision of the written post-closure plan.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
471	(d)	(3)	(iii)			The owner or operator must amend the written post-closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written post-closure plan. If a written post-closure plan is revised after post-closure activities have commenced for a CCR unit, the owner or operator must amend the written post-closure plan no later than 30 days following the triggering event.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
472	(d)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of the written post-closure plan meets the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
473	(e)					Notification of completion of postclosure care period. No later than 60 days following the completion of the post-closure care period, the owner or operator of the CCR unit must prepare a notification verifying that post-closure care has been completed. The notification must include the certification by a qualified professional engineer verifying that post-closure care has been completed in accordance with the closure plan specified in paragraph (d) of this section and the requirements of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
474	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
							Rule 391-3-4-.10(7)(g): Post-Closure care for existing, new, and lateral expansions of CCR units shall be conducted in accordance with 40 CFR 257.104 with the following exception and additions: 1. An owner or operator of an inactive surface impoundment that elects to close a CCR unit pursuant to the requirements under 40 CFR 257.100(b) is subject to the post- closure care criteria in 40 CFR 257.104. 2. CCR units must comply with the conditions of the solid waste handling permit. 3. The release of CCR units from post-closure care must be approved by the Division.		
475	§ 257.105 Recordkeeping Requirements								
476	The owner or operator of the CCR unit must meet all the requirements (a) through (j) and all their components.								
477	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain files of all information required by this section in a written operating record at their facility.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
478	(b)					Unless specified otherwise, each file must be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, record, or study.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
479	(c)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section in one recordkeeping system provided the system identifies each file by the name of each CCR unit. The files may be maintained on microfilm, on a computer, on computer disks, on a storage system accessible by a computer, on magnetic tape disks, or on microfiche.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
480	(d)					The owner or operator of a CCR unit must submit to the State Director and/or appropriate Tribal authority any demonstration or documentation required by this subpart, if requested, when such information is not otherwise available on the owner or operator's publicly accessible Internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
481	(e)					The owner or operator of a CCR unit subject to this subpart must place the demonstrations documenting whether or not the CCR unit is in compliance with the requirements under §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), as it becomes available, in the facility's operating record.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
482	(f)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following the facility's operating record:</i> The design and construction certifications as required by § 257.70(e) and (f).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
483	(f)	(2)				The documentation of liner type as required by § 257.71(a).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
484	(f)	(3)				The design and construction certifications as required by § 257.72(c) and (d).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
485	(f)	(4)				Documentation prepared by the owner or operator stating that the permanent identification marker was installed as required by §§ 257.73(a)(1) and 257.74(a)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
486	(f)	(5)				The initial and periodic hazard potential classification assessments as required by §§ 257.73(a)(2) and 257.74(a)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
487	(f)	(6)				The emergency action plan (EAP), and any amendment of the EAP, as required by §§ 257.73(a)(3) and 257.74(a)(3), except that only the most recent EAP must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
488	(f)	(7)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders as required by §§ 257.73(a)(3)(i)(E) and 257.74(a)(3)(i)(E).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
489	(f)	(8)				Documentation prepared by the owner or operator recording all activations of the emergency action plan as required by §§ 257.73(a)(3)(v) and 257.74(a)(3)(v).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
490	(f)	(9)				The history of construction, and any revisions of it, as required by § 257.73(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
491	(f)	(10)				The initial and periodic structural stability assessments as required by §§ 257.73(d) and 257.74(d).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
492	(f)	(11)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.73(d)(2) and 257.74(d)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
493	(f)	(12)				The initial and periodic safety factor assessments as required by §§ 257.73(e) and 257.74(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
494	(f)	(13)				The design and construction plans, and any revisions of it, as required by § 257.74(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
495	(g)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The CCR fugitive dust control plan, and any subsequent amendment of the plan, required by § 257.80(b), except that only the most recent control plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
496	(g)	(2)				The annual CCR fugitive dust control report required by § 257.80(c).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
497	(g)	(3)				The initial and periodic run-on and run-off control system plans as required by § 257.81(c).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
498	(g)	(4)				The initial and periodic inflow design flood control system plan as required by § 257.82(c).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
499	(g)	(5)				Documentation recording the results of each inspection and instrumentation monitoring by a qualified person as required by § 257.83(a).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
500	(g)	(6)				The periodic inspection report as required by § 257.83(b)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
501	(g)	(7)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.83(b)(5) and 257.84(b)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
502	(g)	(8)				Documentation recording the results of the weekly inspection by a qualified person as required by § 257.84(a).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
503	(g)	(9)				The periodic inspection report as required by § 257.84(b)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
504	(h)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The annual groundwater monitoring and corrective action report as required by § 257.90(e).			
505	(h)	(2)				Documentation of the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices as required by § 257.91(e)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
506	(h)	(3)				The groundwater monitoring system certification as required by § 257.91(f).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
507	(h)	(4)				The selection of a statistical method certification as required by § 257.93(f)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
508	(h)	(5)				Within 30 days of establishing an assessment monitoring program, the notification as required by § 257.94(e)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
509	(h)	(6)				The results of appendices III and IV to this part constituent concentrations as required by § 257.95(d)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
510	(h)	(7)				Within 30 days of returning to a detection monitoring program, the notification as required by § 257.95(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
511	(h)	(8)				Within 30 days of detecting one or more constituents in appendix IV to this part at statistically significant levels above the groundwater protection standard, the notifications as required by § 257.95(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
512	(h)	(9)				Within 30 days of initiating the assessment of corrective measures requirements, the notification as required by § 257.95(g)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
513	(h)	(10)				The completed assessment of corrective measures as required by § 257.96(d).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
514	(h)	(11)				Documentation prepared by the owner or operator recording the public meeting for the corrective measures assessment as required by § 257.96(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
515	(h)	(12)				The semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report as required by § 257.97(a), except that the selection of remedy report must be maintained until the remedy has been completed.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
516	(h)	(13)				Within 30 days of completing the remedy, the notification as required by § 257.98(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
517	(i)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The notification of intent to initiate closure of the CCR unit as required by § 257.100(c)(1).			
518	(i)	(2)				The annual progress reports of closure implementation as required by § 257.100(c)(2)(i) and (ii).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
519	(i)	(3)				The notification of closure completion as required by § 257.100(c)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
520	(i)	(4)				The written closure plan, and any amendment of the plan, as required by § 257.102(b), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
521	(i)	(5)				The written demonstration(s), including the certification required by § 257.102(e)(2)(iii), for a time extension for initiating closure as required by § 257.102(e)(2)(ii).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
522	(i)	(6)				The written demonstration(s), including the certification required by § 257.102(f)(2)(iii), for a time extension for completing closure as required by § 257.102(f)(2)(i).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
523	(i)	(7)				The notification of intent to close a CCR unit as required by § 257.102(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
524	(i)	(8)				The notification of completion of closure of a CCR unit as required by § 257.102(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
525	(i)	(9)				The notification recording a notation on the deed as required by § 257.102(i).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
526	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.103(c)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
527	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.103(c)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
528	(i)	(12)				The written post-closure plan, and any amendment of the plan, as required by § 257.104(d), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
529	(i)	(13)				The notification of completion of post-closure care period as required by § 257.104(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
530	(j)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The written retrofit plan, and any amendment of the plan, as required by § 257.102(k)(2), except that only the most recent retrofit plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
531	(j)	(2)				The notification of intent that the retrofit activities will proceed in accordance with the alternative procedures in § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
532	(j)	(3)				The annual progress reports required under the alternative requirements as required by § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
533	(j)	(4)				The written demonstration(s), including the certification in § 257.102(f)(2)(iii), for a time extension for completing retrofit activities as required by § 257.102(k)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
534	(j)	(5)				The notification of intent to initiate retrofit of a CCR unit as required by § 257.102(k)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
535	(j)	(6)				The notification of completion of retrofit activities as required by § 257.102(k)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
536	§ 257.106 Notification Requirements								
537	<i>The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.</i>								
538	(a)					The notifications required under paragraphs (e) through (i) of this section must be sent to the relevant State Director and/or appropriate Tribal authority before the close of business on the day the notification is required to be completed. For purposes of this section, before the close of business means the notification must be postmarked or sent by electronic mail (email). If a notification deadline falls on a weekend or federal holiday, the notification deadline is automatically extended to the next business day.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
539	(b)					If any CCR unit is located in its entirety within Indian Country, the notifications of this section must be sent to the appropriate Tribal authority. If any CCR unit is located in part within Indian Country, the notifications of this section must be sent both to the appropriate State Director and Tribal authority.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
540	(c)					Notifications may be combined as long as the deadline requirement for each notification is met.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
541	(d)					Unless otherwise required in this section, the notifications specified in this section must be sent to the State Director and/or appropriate Tribal authority within 30 days of placing in the operating record the information required by § 257.105.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
542	(e)					Location restrictions. The owner or operator of a CCR unit subject to the requirements of this subpart must notify the State Director and/or appropriate Tribal authority that each demonstration specified under § 257.105(e) has been placed in the operating record and on the owner or operator's publicly accessible internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
543	(f)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
544	(f)	(1)				<i>The owner or operator must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						Within 60 days of commencing construction of a new CCR unit, provide notification of the availability of the design certification specified under § 257.105(f)(1) or (3). If the owner or operator of the CCR unit elects to install an alternative composite liner, the owner or operator must also submit to the State Director and/or appropriate Tribal authority a copy of the alternative composite liner design.			
545	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, provide notification of the availability of the construction certification specified under § 257.105(f)(1) or (3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
546	(f)	(3)				Provide notification of the availability of the documentation of liner type specified under § 257.105(f)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
547	(f)	(4)				Provide notification of the availability of the initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
548	(f)	(5)				Provide notification of the availability of emergency action plan (EAP), and any revisions of the EAP, specified under § 257.105(f)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
549	(f)	(6)				Provide notification of the availability of documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
550	(f)	(7)				Provide notification of documentation prepared by the owner or operator recording all activations of the emergency action plan specified under § 257.105(f)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
551	(f)	(8)				Provide notification of the availability of the history of construction, and any revision of it, specified under § 257.105(f)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
552	(f)	(9)				Provide notification of the availability of the initial and periodic structural stability assessments specified under § 257.105(f)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
553	(f)	(10)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(f)(11).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
554	(f)	(11)				Provide notification of the availability of the initial and periodic safety factor assessments specified under § 257.105(f)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
555	(f)	(12)				Provide notification of the availability of the design and construction plans, and any revision of them, specified under § 257.105(f)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
556	(g)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
557	(g)	(1)				<i>The owner or operator must:</i> Provide notification of the availability of the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
558	(g)	(2)				Provide notification of the availability of the annual CCR fugitive dust control report specified under § 257.105(g)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
559	(g)	(3)				Provide notification of the availability of the initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
560	(g)	(4)				Provide notification of the availability of the initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
561	(g)	(5)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
562	(g)	(6)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
563	(g)	(7)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
564	(h)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator's publicly accessible internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
565	(h)	(1)				<i>The owner or operator must:</i> Provide notification of the availability of the annual groundwater specified under § 257.105(h)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
566	(h)	(2)				Provide notification of the availability of the groundwater monitoring system certification specified under § 257.105(h)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
567	(h)	(3)				Provide notification of the availability of the selection of a statistical method certification specified under § 257.105(h)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
568	(h)	(4)				Provide notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
569	(h)	(5)				Provide notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
570	(h)	(6)				Provide notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
571	(h)	(7)				Provide notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
572	(h)	(8)				Provide notification of the availability of assessment of corrective measures specified under § 257.105(h)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
573	(h)	(9)				Provide notification of the availability of the semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report specified under § 257.105(h)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
574	(h)	(10)				Provide notification of the completion of the remedy specified under § 257.105(h)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
575	(i)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator’s publicly accessible Internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
576	(i)	(1)				<i>The owner or operator must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						Provide notification of the intent to initiate closure of the CCR unit specified under § 257.105(i)(1).			
577	(i)	(2)				Provide notification of the availability of the annual progress reports of closure implementation specified under § 257.105(i)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
578	(i)	(3)				Provide notification of closure completion specified under § 257.105(i)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
579	(i)	(4)				Provide notification of the availability of the written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
580	(i)	(5)				Provide notification of the availability of the demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
581	(i)	(6)				Provide notification of the availability of the demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
582	(i)	(7)				Provide notification of intent to close a CCR unit specified under § 257.105(i)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
583	(i)	(8)				Provide notification of completion of closure of a CCR unit specified under § 257.105(i)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
584	(i)	(9)				Provide notification of the deed notation as required by § 257.105(i)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
585	(i)	(10)				Provide notification of intent to comply with the alternative closure requirements specified under § 257.105(i)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
586	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
587	(i)	(12)				Provide notification of the availability of the written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
588	(i)	(13)				Provide notification of completion of post-closure care specified under § 257.105(i)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
589	(j)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator’s publicly accessible Internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
590	(j)	(1)				<i>The owner or operator must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						Provide notification of the availability of the written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).			
591	(j)	(2)				Provide notification of intent to comply with the alternative retrofit requirements specified under § 257.105(j)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
592	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
593	(j)	(4)				Provide notification of the availability of the demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
594	(j)	(5)				Provide notification of intent to initiate retrofit of a CCR unit specified under § 257.105(j)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
595	(j)	(6)				Provide notification of completion of retrofit activities specified under § 257.105(j)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
596	§ 257.107 Publicly Accessible Internet Site Requirements								
597	<i>The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.</i>								
598	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain a publicly accessible Internet site (CCR Web site) containing the information specified in this section. The owner or operator’s Web site must be titled “CCR Rule Compliance Data and Information.”	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
599	(b)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section by using the same Internet site for multiple CCR units provided the CCR Web site clearly delineates information by the name or identification number of each unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
600	(c)					Unless otherwise required in this section, the information required to be posted to the CCR Web site must be made available to the public for at least five years following the date on which the information was first posted to the CCR Web site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
601	(d)					Unless otherwise required in this section, the information must be posted to the CCR Web site within 30 days of placing the pertinent information required by § 257.105 in the operating record.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
602	(e)					Location restrictions. The owner or operator of a CCR unit subject to this subpart must place each demonstration specified under § 257.105(e) on the owner or operator's CCR Web site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
603	(f)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						Within 60 days of commencing construction of a new unit, the design certification specified under § 257.105(f)(1) or (3).			
604	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, the construction certification specified under § 257.105(f)(1) or (3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
605	(f)	(3)				The documentation of liner type specified under § 257.105(f)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
606	(f)	(4)				The initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
607	(f)	(5)				The emergency action plan (EAP) specified under § 257.105(f)(6), except that only the most recent EAP must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
608	(f)	(6)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
609	(f)	(7)				Documentation prepared by the owner or operator recording any activation of the emergency action plan specified under § 257.105(f)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
610	(f)	(8)				The history of construction, and any revisions of it, specified under § 257.105(f)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
611	(f)	(9)				The initial and periodic structural stability assessments specified under § 257.105(f)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
612	(f)	(10)				The documentation detailing the corrective measures taken to remedy the § 257.105(f)(11).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
613	(f)	(11)				The initial and periodic safety factor assessments specified under § 257.105(f)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
614	(f)	(12)				The design and construction plans, and any revisions of them, specified under § 257.105(f)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
615	(g)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1) except that only the most recent plan must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.			
616	(g)	(2)				The annual CCR fugitive dust control report specified under § 257.105(g)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
617	(g)	(3)				The initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
618	(g)	(4)				The initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
619	(g)	(5)				The periodic inspection reports specified under § 257.105(g)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
620	(g)	(6)				The documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
621	(g)	(7)				The periodic inspection reports specified under § 257.105(g)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
622	(h)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The annual groundwater monitoring and corrective action report specified under § 257.105(h)(1).			
623	(h)	(2)				The groundwater monitoring system certification specified under § 257.105(h)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
624	(h)	(3)				The selection of a statistical method certification specified under § 257.105(h)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
625	(h)	(4)				The notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
626	(h)	(5)				The notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
627	(h)	(6)				The notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
628	(h)	(7)				The notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
629	(h)	(8)				The assessment of corrective measures specified under § 257.105(h)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR Landfills	
								Existing	New & Lateral Expansions
630	(h)	(9)				The semiannual reports describing the progress in selecting and designing remedy and the selection of remedy report specified under § 257.105(h)(12), except that the selection of the remedy report must be maintained until the remedy has been completed.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
631	(h)	(10)				The notification that the remedy has been completed specified under § 257.105(h)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
632	(i)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The notification of intent to initiate closure of the CCR unit specified under § 257.105(i)(1).			
633	(i)	(2)				The annual progress reports of closure implementation specified under § 257.105(i)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
634	(i)	(3)				The notification of closure completion specified under § 257.105(i)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
635	(i)	(4)				The written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
636	(i)	(5)				The demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
637	(i)	(6)				The demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
638	(i)	(7)				The notification of intent to close a CCR unit specified under § 257.105(i)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
639	(i)	(8)				The notification of completion of closure of a CCR unit specified under § 257.105(i)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
640	(i)	(9)				The notification recording a notation on the deed as required by § 257.105(i)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
641	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.105(i)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
642	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
643	(i)	(12)				The written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
644	(i)	(13)				The notification of completion of post-closure care specified under § 257.105(i)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
645	(j)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).			
646	(j)	(2)				The notification of intent to comply with the alternative retrofit requirements as required by § 257.105(j)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
647	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
648	(j)	(4)				The demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
649	(j)	(5)				The notification of intent to retrofit a CCR unit specified under § 257.105(j)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
650	(j)	(6)				The notification of completion of retrofit activities specified under § 257.105(j)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
1	§ 257.60 Placement Above the Uppermost Aquifer								
2	The owner of operator of the CCR unit must meet all the requirements (a) through (d).								
3	(a)					The base of CCR unit should be at least 1.52 meters (5 ft.) above the upper limit of the uppermost aquifer, or, the owner must demonstrate that there will not be an intermittent, recurring, or sustained hydraulic connection with uppermost aquifer during normal and seasonal water table fluctuations. The owner or operator must demonstrate by the dates specified in paragraph (c) of this section that the CCR unit meets the minimum requirements for placement above the uppermost aquifer.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
4	(b)					Obtain a certificate from professional engineer, stating that the requirements meet comply with the recordkeeping requirements specified in § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
5	(c)	(1)				For an existing surface impoundment, the owner or operator of the CCR unit must complete the demonstration required by paragraph (a) no later than October 17, 2018 for an existing CCR surface impoundment.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
6	(c)	(2)				For a new CCR landfill, new CCR impoundment, or any lateral expansion of a CCR unit, the owner or operator of the CCR unit must complete the demonstration required by paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
7	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility’s operating record as required by § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
8	(c)	(4)				An owner or operator of an existing CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
9	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
10	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
11	§ 257.61 Wetlands								
12	The owner of operator of the CCR unit must first meet requirements (a) or requirements (a)(1) through (5), in addition to meeting requirements (b) through (d) and all their components.								
13	(a)					CCR units must not be located in wetlands, as defined in § 232.2 of this chapter, unless the owner or operator demonstrates by the dates specified in paragraph (c) of this section that the CCR unit meets the requirements of paragraphs (a)(1) through (5) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
14	(a)	(1)				The owner or operator of CCR unit must:	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
						Provide a rebuttal of the presumption that an alternative to the CCR unit is reasonably available that does not involve wetlands where applicable under § 404 of the Clean Water Act or applicable state wetlands laws.			
15	(a)	(2)				The construction and operation of the CCR unit will not cause or contribute to violations of the following applicable regulations:	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
16	(a)	(2)	(i)			State or federal water quality standard;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
17	(a)	(2)	(ii)			Toxic effluent standard or prohibition under section 307 of the Clean Water Act;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
18	(a)	(2)	(iii)			Endangered or threatened species, or a critical habitat protected under the Endangered Species Act of 1973;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
19	(a)	(2)	(iv)			Marine Protection, Research, and Sanctuaries Act of 1972	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
20	(a)	(3)				The CCR unit will not cause or contribute to significant degradation of wetlands by addressing all of the following factors:	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
21	(a)	(3)	(i)			Erosion, stability and migration potential of native wetland soils used to support the CCR unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
22	(a)	(3)	(ii)			Erosion, stability and migration potential of dredged and fill materials used to support the CCR unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
23	(a)	(3)	(iii)			The volume and chemical nature of the CCR;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
24	(a)	(3)	(iv)			Impacts on fish, wildlife, other aquatic resources and their habitat from release of CCR;	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
25	(a)	(3)	(v)			The potential effects of catastrophic release of CCR to the wetland and the resulting impacts on the environment; and	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
26	(a)	(3)	(vi)			Any additional factors, as necessary, to demonstrate sufficient protection of ecological resources in the wetland.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
						The owner or operator of CCR unit must also:	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
27	(a)	(4)				Demonstrate that steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent reasonable as required by paragraphs (a)(1) through (3), then minimizing unavoidable impacts to the maximum extent reasonable, and offsetting remaining unavoidable wetland impacts through all appropriate and reasonable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands) to the extent required under section 404 of the Clean Water Act or applicable state wetlands laws.			
28	(a)	(5)				Sufficient information is available to make a reasoned determination with respect to the demonstrations in paragraphs (a)(1) through (4).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
29	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
30	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
31	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
32	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
33	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
34	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
35	(d)					The owner or operator comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
36	§ 257.62 Fault Areas								
37	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (d).</i>								
38	(a)					CCR unit should be located within 60 meters (200 feet) of the outermost damage zone of a fault that has had displacement in Holocene time, unless the owner or operator demonstrates that an alternative setback distance of less than 60 meters will prevent damage to the structural integrity of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
39	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets these requirements of paragraph (a).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
40	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
41	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
42	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
43	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
44	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
45	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
46	§ 257.63 Seismic Impact Zones								
47	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (d).</i>								
48	(a)					CCR units and any expansions must not be located in seismic impact zones, unless the owner or operator demonstrates that all structural components including liners, leachate collection and removal systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
49	(b)					The owner or operator of the CCR unit must: obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements of paragraph (a)	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
50	(c)	(1)				The owner or operator of the existing CCR surface impoundment must complete the demonstration by October 17, 2018.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
51	(c)	(2)				The owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit must complete the demonstration no later than the date of initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
52	(c)	(3)				The owner or operator has completed the demonstration required by paragraph (a) of this section when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
53	(c)	(4)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
54	(c)	(5)				An owner or operator of a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
55	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(a)		
56	§ 257.64 Unstable Areas								
57	The owner or operator of the CCR unit must meet all the requirements (a) through (e) and all their components.								
58	(a)					A CCR unit must not be located in an unstable area, unless the owner or operator demonstrates that recognized and generally accepted good engineering practices have been incorporated into the design of the CCR unit to ensure that the integrity of the structural components of the CCR unit will not be disrupted.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
59	(b)	(1)				When determining whether an area is unstable or not, the owner or operator must consider, at a minimum, all of the following:	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
						On-site or local soil conditions that may result in significant differential settling;			
60	(b)	(2)				On-site or local geologic or geomorphologic features; and	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
61	(b)	(3)				On-site or local human-made features or events (both surface and subsurface).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
62	(c)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the demonstration meets the requirements in paragraph (a).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
63	(d)	(1)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than October 17, 2018 for existing CCR surface impoundments and existing CCR landfills.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
64	(d)	(2)				The owner or operator of the CCR unit must complete the demonstration required in paragraph (a) no later than the date of initial receipt of CCR in the CCR unit for a new CCR landfill, new CCR surface impoundment, or any lateral expansion of a CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
65	(d)	(3)				The owner or operator has completed the demonstration required by paragraph (a) when the demonstration is placed in the facility's operating record as required by § 257.105(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
66	(d)	(4)				An owner or operator of an existing CCR unit who fails to demonstrate compliance with the requirements of paragraph (a) of this section by the date specified is subject to the requirements of § 257.101(b)(1) or (d), respectively.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
67	(d)	(5)				An owner or operator of a new CCR unit, or any lateral expansion of a CCR unit who fails to make the demonstration showing compliance with the requirements of paragraph (a) is prohibited from placing CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
68	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(e), the notification requirements specified in § 257.106(e), and the internet requirements specified in § 257.107(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(3)(b)		
							Rule 391-3-4-.10(3)(c): The hydrogeological evaluation for a specific site must be performed by a qualified groundwater scientist		
							Rule 391-3-4-.10(3)(d): When the geological and hydrogeological data so indicate, the Division may specify greater separation distances to protect groundwater		

CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements									
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
							Rule 391-3-4-.10(3)(e) Buffers: New CCR units and lateral expansions of CCR units must provide a 200- foot undisturbed buffer between the waste disposal boundary and the boundary of the permitted facility and a minimum 500-foot buffer between the waste disposal boundary and any occupied dwelling and the dwelling's operational private, domestic water supply well in existence on the date of the permit application. The 500-foot buffer may be reduced if the current owner of the dwelling provides a written waiver consenting to the waste disposal boundary being closer than 500 feet. No disposal or storage practices for waste shall take place in the buffer zones		
69	§ 257.71 Liner Design Criteria for Existing CCR Surface Impoundments								
70	The owner of operator of the CCR unit must meet all the requirements (a) through (c) and all their components.								
71	(a)	(1)	(i)			By October 17, 2016, the owner or operator of an existing CCR surface impoundment must document whether or not such unit was constructed with any one of the following: A liner consisting of a minimum of two feet of compacted soil with a hydraulic conductivity of no more than 1 × 10 ⁻⁷ cm/sec;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
72	(a)	(1)	(ii)			A composite liner that meets the requirements of § 257.70(b);	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
73	(a)	(1)	(iii)			An alternative composite liner that meets the requirements of § 257.70(c).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
74	(a)	(2)				The hydraulic conductivity of the compacted soil must be determined using recognized and generally accepted methods.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
75	(a)	(3)	(i)			An existing CCR surface impoundment is considered to be an existing unlined CCR surface impoundment if either 3(i) or 3(ii): The owner or operator of the CCR unit determines that the CCR unit is not constructed with a liner that meets the requirements of paragraphs (a)(1)(i), (ii), or (iii) of this section; or	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
76	(a)	(3)	(ii)			The owner or operator of the CCR unit fails to document whether the CCR unit was constructed with a liner that meets the requirements of paragraphs (a)(1)(i), (ii), or (iii) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
77	(a)	(4)				All existing unlined CCR surface impoundments are subject to the requirements of § 257.101(a).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
78	(b)					The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer attesting that the documentation as to whether a CCR unit meets the requirements of paragraph (a) of this section is accurate.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
79	(c)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
80	§ 257.72 Liner Design Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment								
81	The owner of operator of the CCR unit must meet all the requirements (a) through (e).								
82	(a)					CCR impoundments and lateral expansions must be designed, constructed, operated, and maintained with either a composite liner or an alternative composite liner that meets the requirements of § 257.70(b) or (c).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
83	(b)					Any liner specified in this section must be installed to cover all surrounding earth likely to be in contact with CCR. Dikes shall not be constructed on top of the composite liner.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
84	(c)					Prior to construction of the impoundment or expansion, the owner or operator must obtain certification from a qualified professional engineer that the design of the composite liner or, if applicable, the design of an alternative composite liner complies with the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
85	(d)					Upon completion, the owner or operator must: obtain certification from a qualified professional engineer that the composite liner or if applicable, the alternative composite liner has been constructed in accordance with the requirements of this section; comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
86	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the Internet requirements specified in § 257.107(f).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
87	§ 257.73 Structural Integrity Criteria for Existing CCR Surface Impoundments								
88	The owner of operator of the CCR unit must meet all the requirements (a) through (g) and all their components. *These requirements do not apply to existing CCR surface impoundments that are incised CCR units, unless incised CCR surface impoundment is subsequently modified (e.g., a dike is constructed) such that the CCR unit no longer meets the definition of an incised CCR unit.								

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
89	(a)	(1)				By December 17, 2015, the owner or operator of the CCR unit must place on or immediately adjacent to the CCR unit a permanent identification marker, at least six feet high, showing the identification number of the CCR unit, if one has been assigned by the state, the name associated with the CCR unit and the name of the owner or operator of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
90	(a)	(2)	(i)			The owner or operator of the CCR unit must conduct initial and periodic hazard potential classification assessments of the CCR unit according to the timeframes specified in paragraph (f) of this section. The owner or operator must document the hazard potential classification of each CCR unit as either a high hazard potential CCR surface impoundment, a significant hazard potential CCR surface impoundment, or a low hazard potential CCR surface impoundment. The owner or operator must also document the basis for each hazard potential classification.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
91	(a)	(2)	(ii)			The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial hazard potential classification and each subsequent periodic classification specified in paragraph (a)(2)(i) of this section was conducted in accordance with the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
92	(a)	(3)	(i)			No later than April 17, 2017, the owner or operator of a CCR unit determined to be either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment under paragraph (a)(2) of this section must prepare and maintain a written EAP.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
93	(a)	(3)	(i)	(A)		<i>At a minimum, the EAP must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
						Define the events or circumstances involving the CCR unit that represent a safety emergency, along with a description of the procedures that will be followed to detect a safety emergency in a timely manner;			
94	(a)	(3)	(i)	(B)		Define responsible persons, their respective responsibilities, and notification procedures in the event of a safety emergency involving the CCR unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
95	(a)	(3)	(i)	(C)		Provide contact information of emergency responders;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
96	(a)	(3)	(i)	(D)		Include a map which delineates the downstream area which would be affected in the event of a CCR unit failure and a physical description of the CCR unit; and	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
97	(a)	(3)	(i)	(E)		Include provisions for an annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
98	(a)	(3)	(ii)	(A)		The owner or operator of a CCR unit subject to the requirements of paragraph (a)(3)(i) of this section may amend the written EAP at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(f)(6). The owner or operator must amend the written EAP whenever there is a change in conditions that would substantially affect the EAP in effect.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
99	(a)	(3)	(ii)	(B)		The written EAP must be evaluated, at a minimum, every five years to ensure the information required in paragraph (a)(3)(i) of this section is accurate. As necessary, the EAP must be updated and a revised EAP placed in the facility's operating record as required by § 257.105(f)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
100	(a)	(3)	(iii)	(A)		If the owner or operator of a CCR unit determines during a periodic hazard potential assessment that the CCR unit is no longer classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit is no longer subject to the requirement to prepare and maintain a written EAP beginning on the date the periodic hazard potential assessment documentation is placed in the facility's operating record as required by § 257.105(f)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
101	(a)	(3)	(iii)	(B)		If the owner or operator of a CCR unit classified as a low hazard potential CCR surface impoundment subsequently determines that the CCR unit is properly re-classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit must prepare a written EAP for the CCR unit as required by paragraph (a)(3)(i) of this section within six months of completing such periodic hazard potential assessment.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
102	(a)	(3)	(iv)			(iv) The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the written EAP, and any subsequent amendment of the EAP, meets the requirements of paragraph (a)(3) of this section. (v) Activation of the EAP. The EAP must be implemented once events or circumstances involving the CCR unit that represent a safety emergency are detected, including conditions identified during periodic structural stability assessments, annual inspections, and inspections by a qualified person.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
103	(a)	(4)				The CCR unit and surrounding areas must be designed, constructed, operated, and maintained with vegetated slopes of dikes not to exceed a height of 6 inches above the slope of the dike, except for slopes which are protected with an alternate form(s) of slope protection.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
104	(b)					The requirements of paragraphs (c) through (e) of this section apply to an owner or operator of an existing CCR surface impoundment that either: has a height of five feet or more and a storage volume of 20 acre-feet or more; or has a height of 20 feet or more.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
105	(c)	(1)				No later than October 17, 2016, the owner or operator of the CCR unit must compile a history of construction, which shall contain, to the extent feasible, the information specified in paragraphs (c)(1)(i) through (xi) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
106	(c)	(1)	(i)			The name and address of the person(s) owning or operating the CCR unit; the name associated with the CCR unit; and the identification number of the CCR unit if one has been assigned by the state.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
107	(c)	(1)	(ii)			The location of the CCR unit identified on the most recent U.S. Geological Survey (USGS) 7 1/2 minute or 15 minute topographic quadrangle map, or a topographic map of equivalent scale if a USGS map is not available.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
108	(c)	(1)	(iii)			A statement of the purpose for which the CCR unit is being used.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
109	(c)	(1)	(iv)			The name and size in acres of the watershed within which the CCR unit is located.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
110	(c)	(1)	(v)			A description of the physical and engineering properties of the foundation and abutment materials on which the CCR unit is constructed.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
111	(c)	(1)	(vi)			A statement of the type, size, range, and physical and engineering properties of the materials used in constructing each zone or stage of the CCR unit; the method of site preparation and construction of each zone of the CCR unit; and the approximate dates of construction of each successive stage of construction of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
112	(c)	(1)	(vii)			At a scale that details engineering structures and appurtenances relevant to the design, construction, operation, and maintenance of the CCR unit, detailed dimensional drawings of the CCR unit, including a plan view and cross sections of the length and width of the CCR unit, showing all zones, foundation improvements, drainage provisions, spillways, diversion ditches, outlets, instrument locations, and slope protection, in addition to the normal operating pool surface elevation and the maximum pool surface elevation following peak discharge from the inflow design flood, the expected maximum depth of CCR within the CCR surface impoundment, and any identifiable natural or manmade features that could adversely affect operation of the CCR unit due to malfunction or mis-operation.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
113	(c)	(1)	(viii)			A description of the type, purpose, and location of existing instrumentation. (ix) Area-capacity curves for the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
114	(c)	(1)	(ix)			A description of each spillway and diversion design features and capacities and calculations used in their determination.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
115	(c)	(1)	(x)			The construction specifications and provisions for surveillance, maintenance, and repair of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
116	(c)	(1)	(xi)			Any record or knowledge of structural instability of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
117	(c)	(2)				If there is a significant change to any information compiled under paragraph (c)(1) of this section, the owner or operator of the CCR unit must update the relevant information and place it in the facility's operating record as required by § 257.105(f)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
118	(d)	(1)				The owner or operator of the CCR unit must conduct initial and periodic structural stability assessments and document whether the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering practices for the maximum volume of CCR and CCR wastewater which can be impounded therein.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
119	(d)	(1)	(i)			<i>The assessment must, at a minimum, document whether the CCR unit has been designed, constructed, operated, and maintained with:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
						Stable foundations and abutments;			
120	(d)	(1)	(iii)			Adequate slope protection to protect against surface erosion, wave action, and adverse effects of sudden drawdown;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
121	(d)	(1)	(iii)			Dikes mechanically compacted to a density sufficient to withstand the range of loading conditions in the CCR unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
122	(d)	(1)	(iv)			Vegetated slopes of dikes and surrounding areas not to exceed a height of six inches above the slope of the dike, except for slopes which have an alternate form or forms of slope protection;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
123	(d)	(1)	(v)			A single spillway or a combination of spillways configured as specified in paragraph (d)(1)(v)(A) of this section. The combined capacity of all spillways must be designed, constructed, operated, and maintained to adequately manage flow during and following the peak discharge from the event specified in paragraph (d)(1)(v)(B) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
124	(d)	(1)	(v)	(A)		All spillways must be either of non-erodible construction and designed to carry sustained flows; or earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
125	(d)	(1)	(v)	(B)		The combined capacity of all spillways must adequately manage flow during and following the peak discharge from a: probable maximum flood (PMF) for a high hazard potential CCR surface impoundment; or 1000-year flood for a significant hazard potential CCR surface impoundment; or 100-year flood for a low hazard potential CCR surface impoundment.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
126	(d)	(1)	(vi)			Hydraulic structures underlying the base of the CCR unit or passing through the dike of the CCR unit that maintain structural integrity and are free of significant deterioration, deformation, distortion, bedding deficiencies, sedimentation, and debris which may negatively affect the operation of the hydraulic structure; and	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
127	(d)	(1)	(vii)			For CCR units with downstream slopes which can be inundated by the pool of an adjacent water body, such as a river, stream or lake, downstream slopes that maintain structural stability during low pool of the adjacent water body or sudden drawdown of the adjacent water body.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
128	(d)	(2)				The periodic assessment described in paragraph (d)(1) of this section must identify any structural stability deficiencies associated with the CCR unit in addition to recommending corrective measures. If a deficiency or a release is identified during the periodic assessment, the owner or operator unit must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
129	(d)	(3)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment was conducted in accordance with the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
130	(e)	(1)				The owner or operator must conduct an initial and periodic safety factor assessments for each CCR unit and document whether the calculated factors of safety for each CCR unit achieve the minimum safety factors specified in paragraphs (e)(1)(i) through (iv) of this section for the critical cross section of the embankment. The critical cross section is the cross section anticipated to be the most susceptible of all cross sections to structural failure based on appropriate engineering considerations, including loading conditions. The safety factor assessments must be supported by appropriate engineering calculations.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
131	(e)	(1)	(i)			The calculated static factor of safety under the long-term, maximum storage pool loading condition must equal or exceed 1.50.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
132	(e)	(1)	(ii)			The calculated static factor of safety under the maximum surcharge pool loading condition must equal or exceed 1.40.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
133	(e)	(1)	(iii)			The calculated seismic factor of safety must equal or exceed 1.00.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
134	(e)	(1)	(iv)			For dikes constructed of soils that have susceptibility to liquefaction, the calculated liquefaction factor of safety must equal or exceed 1.20.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
135	(e)	(2)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment specified in paragraph (e)(1) of this section meets the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
136	(f)	(1)				Except as provided by paragraph (f)(2) of this section, the owner or operator of the CCR unit must complete the initial assessments required by paragraphs (a)(2), (d), and (e) of this section no later than October 17, 2016. The owner or operator has completed an initial assessment when the owner or operator has placed the assessment required by paragraphs (a)(2), (d), and (e) of this section in the facility's operating record as required by § 257.105(f)(5), (10), and (12).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
137	(f)	(2)				The owner or operator of the CCR unit may elect to use a previously completed assessment to serve as the initial assessment required by paragraphs (a)(2), (d), and (e) of this section provided that the previously completed assessment(s):	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
138	(f)	(2)	(i)			Was completed no earlier than 42 months prior to October 17, 2016; and	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
139	(f)	(2)	(ii)			Meets the applicable requirements of paragraphs (a)(2), (d), and (e) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
140	(f)	(3)				The owner or operator of the CCR unit must conduct and complete the assessments required by paragraphs (a)(2), (d), and (e) of this section every five years. The date of completing the initial assessment is the basis for establishing the deadline to complete the first subsequent assessment. If the owner or operator elects to use a previously completed assessment(s) in lieu of the initial assessment as provided by paragraph (f)(2) of this section, the date of the report for the previously completed assessment is the basis for establishing the deadline to complete the first subsequent assessment. The owner or operator may complete any required assessment prior to the required deadline provided the owner or operator places the completed assessment(s) into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent assessments is based on the date of completing the previous assessment. For purposes of this paragraph (f)(3), the owner or operator has completed an assessment when the relevant assessment(s) required by paragraphs (a)(2), (d), and (e) of this section has been placed in the facility's operating record as required by § 257.105(f)(5), (10), and (12).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
141	(f)	(4)				Closure of the CCR unit. An owner or operator of a CCR unit who either fails to complete a timely safety factor assessment or fails to demonstrate minimum safety factors as required by paragraph (e) of this section is subject to the requirements of § 257.101(b)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
142	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(b)		
143	§ 257.74 Structural Integrity Criteria for New CCR Surface Impoundments and Any Lateral Expansion of a CCR Surface Impoundment								
144	The owner of operator of the CCR unit must meet all the requirements (a) through (g) and all their components.								
145	(a)					The requirements of paragraphs (a)(1) through (4) of this section apply to all new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, except for those new CCR surface impoundments that are incised CCR units. If an incised CCR surface impoundment is subsequently modified (e.g., a dike is constructed) such that the CCR unit no longer meets the definition of an incised CCR unit, the CCR unit is subject to the requirements of paragraphs (a)(1) through (4) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
146	(a)	(1)				No later than the initial receipt of CCR, the owner or operator of the CCR unit must place on or immediately adjacent to the CCR unit a permanent identification marker, at least six feet high showing the identification number of the CCR unit, if one has been assigned by the state, the name associated with the CCR unit and the name of the owner or operator of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
147	(a)	(2)	(i)			The owner or operator of the CCR unit must conduct initial and periodic hazard potential classification assessments of the CCR unit according to the timeframes specified in paragraph (f) of this section. The owner or operator must document the hazard potential classification of each CCR unit as either a high hazard potential CCR surface impoundment, a significant hazard potential CCR surface impoundment, or a low hazard potential CCR surface impoundment. The owner or operator must also document the basis for each hazard potential classification.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
148	(a)	(2)	(ii)			The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial hazard potential classification and each subsequent periodic classification specified in paragraph (a)(2)(i) of this section was conducted in accordance with the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
149	(a)	(3)	(i)			Development of the plan. Prior to the initial receipt of CCR in the CCR unit, the owner or operator of a CCR unit determined to be either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment under paragraph (a)(2) of this section must prepare and maintain a written EAP. At a minimum, the EAP must:	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
150	(a)	(3)	(i)	(A)		Define the events or circumstances involving the CCR unit that represent a safety emergency, along with a description of the procedures that will be followed to detect a safety emergency in a timely manner;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
151	(a)	(3)	(i)	(B)		Define responsible persons, their respective responsibilities, and notification procedures in the event of a safety emergency involving the CCR unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
152	(a)	(3)	(i)	(C)		Provide contact information of emergency responders;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
153	(a)	(3)	(i)	(D)		Include a map which delineates the downstream area which would be affected in the event of a CCR unit failure and a physical description of the CCR unit; and	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
154	(a)	(3)	(i)	(E)		Include provisions for an annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
155	(a)	(3)	(ii)	(A)		The owner or operator of a CCR unit subject to the requirements of paragraph (a)(3)(i) of this section may amend the written EAP at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(f)(6). The owner or operator must amend the written EAP whenever there is a change in conditions that would substantially affect the EAP in effect.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
156	(a)	(3)	(ii)	(B)		The written EAP must be evaluated, at a minimum, every five years to ensure the information required in paragraph (a)(3)(i) of this section is accurate. As necessary, the EAP must be updated and a revised EAP placed in the facility's operating record as required by § 257.105(f)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
157	(a)	(3)	(iii)	(A)		If the owner or operator of a CCR unit determines during a periodic hazard potential assessment that the CCR unit is no longer classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit is no longer subject to the requirement to prepare and maintain a written EAP beginning on the date the periodic hazard potential assessment documentation is placed in the facility's operating record as required by § 257.105(f)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
158	(a)	(3)	(iii)	(B)		If the owner or operator of a CCR unit classified as a low hazard potential CCR surface impoundment subsequently determines that the CCR unit is properly re-classified as either a high hazard potential CCR surface impoundment or a significant hazard potential CCR surface impoundment, then the owner or operator of the CCR unit must prepare a written EAP for the CCR unit as required by paragraph (a)(3)(i) of this section within six months of completing such periodic hazard potential assessment.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
159	(a)	(3)	(iv)			The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the written EAP, and any subsequent amendment of the EAP, meets the requirements of paragraph (a)(3) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
160	(a)	(3)	(v)			Activation of the EAP. The EAP must be implemented once events or circumstances involving the CCR unit that represent a safety emergency are detected, including conditions identified during periodic structural stability assessments, annual inspections, and inspections by a qualified person.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
161	(a)	(4)				The CCR unit and surrounding areas must be designed, constructed, operated, and maintained with vegetated slopes of dikes not to exceed a height of six inches above the slope of the dike, except for slopes which are protected with an alternate form(s) of slope protection.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
162	(b)					The requirements of paragraphs (c) through (e) of this section apply to an owner or operator of a new CCR surface impoundment and any lateral expansion of a CCR surface impoundment that either: (1) Has a height of five feet or more and a storage volume of 20 acre-feet or more; or (2) Has a height of 20 feet or more.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
163	(c)	(1)				No later than the initial receipt of CCR in the CCR unit, the owner or operator unit must compile the design and construction plans for the CCR unit, which must include, to the extent feasible, the information specified in paragraphs (c)(1)(i) through (xi) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
164	(c)	(1)	(i)			The name and address of the person(s) owning or operating the CCR unit; the name associated with the CCR unit; and the identification number of the CCR unit if one has been assigned by the state.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
165	(c)	(1)	(ii)			The location of the CCR unit identified on the most recent U.S. Geological Survey (USGS) 71/2 minute or 15 minute topographic quadrangle map, or a topographic map of equivalent scale if a USGS map is not available.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
166	(c)	(1)	(iii)			A statement of the purpose for which the CCR unit is being used.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
167	(c)	(1)	(iv)			The name and size in acres of the watershed within which the CCR unit is located.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
168	(c)	(1)	(v)			A description of the physical and engineering properties of the foundation and abutment materials on which the CCR unit is constructed.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
169	(c)	(1)	(vi)			A statement of the type, size, range, and physical and engineering properties of the materials used in constructing each zone or stage of the CCR unit; the method of site preparation and construction of each zone of the CCR unit; and the dates of construction of each successive stage of construction of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
170	(c)	(1)	(vii)			At a scale that details engineering structures and appurtenances relevant to the design, construction, operation, and maintenance of the CCR unit, detailed dimensional drawings of the CCR unit, including a plan view and cross sections of the length and width of the CCR unit, showing all zones, foundation improvements, drainage provisions, spillways, diversion ditches, outlets, instrument locations, and slope protection, in addition to the normal operating pool surface elevation and the maximum pool surface elevation following peak discharge from the inflow design flood, the expected maximum depth of CCR within the CCR surface impoundment, and any identifiable natural or manmade features that could adversely affect operation of the CCR unit due to malfunction or mis-operation.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
171	(c)	(1)	(viii)			A description of the type, purpose, and location of existing instrumentation.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
172	(c)	(1)	(ix)			Area-capacity curves for the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
173	(c)	(1)	(x)			A description of each spillway and diversion design features and capacities and calculations used in their determination.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
174	(c)	(1)	(xi)			The construction specifications and provisions for surveillance, maintenance, and repair of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
175	(c)	(1)	(xii)			Any record or knowledge of structural instability of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
178	(c)	(2)				Changes in the design and construction. If there is a significant change to any information compiled under paragraph (c)(1) of this section, the owner or operator of the CCR unit must update the relevant information and place it in the facility's operating record as required by § 257.105(f)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
179	(d)	(1)				Periodic structural stability assessments. The owner or operator of the CCR unit must conduct initial and periodic structural stability assessments and document whether the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering practices for the maximum volume of CCR and CCR wastewater which can be impounded therein. The assessment must, at a minimum, document whether the CCR unit has been designed, constructed, operated, and maintained with:	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
180	(d)	(1)	(i)			Stable foundations and abutments;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
181	(d)	(1)	(ii)			Adequate slope protection to protect against surface erosion, wave action, and adverse effects of sudden drawdown;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
182	(d)	(1)	(iii)			Dikes mechanically compacted to a density sufficient to withstand the range of loading conditions in the CCR unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
183	(d)	(1)	(iv)			Vegetated slopes of dikes and surrounding areas not to exceed a height of six inches above the slope of the dike, except for slopes which have an alternate form or forms of slope protection;	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
184	(d)	(1)	(v)			A single spillway or a combination of spillways configured as specified in paragraph (d)(1)(v)(A) of this section. The combined capacity of all spillways must be designed, constructed, operated, and maintained to adequately manage flow during and following the peak discharge from the event specified in paragraph (d)(1)(v)(B) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
185	(d)	(1)	(v)	(A)		All spillways must be either of non-erodible construction and designed to carry sustained flows; or earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
186	(d)	(1)	(v)	(B)		The combined capacity of all spillways must adequately manage flow during and following the peak discharge from a: probable maximum flood (PMF) for a high hazard potential CCR surface impoundment; or 1000-year flood for a significant hazard potential CCR surface impoundment; or 100-year flood for a low hazard potential CCR surface impoundment.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
187	(d)	(1)	(vi)			Hydraulic structures underlying the base of the CCR unit or passing through the dike of the CCR unit that maintain structural integrity and are free of significant deterioration, deformation, distortion, bedding deficiencies, sedimentation, and debris which may negatively affect the operation of the hydraulic structure; and	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
188	(d)	(1)	(vii)			For CCR units with downstream slopes which can be inundated by the pool of an adjacent water body, such as a river, stream or lake, downstream slopes that maintain structural stability during low pool of the adjacent water body or sudden drawdown of the adjacent water body.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
189	(d)	(2)				The periodic assessment described in paragraph (d)(1) of this section must identify any structural stability deficiencies associated with the CCR unit in addition to recommending corrective measures. If a deficiency or a release is identified during the periodic assessment, the owner or operator unit must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
190	(d)	(3)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment was conducted in accordance with the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
191	(e)	(1)				The owner or operator must conduct an initial and periodic safety factor assessments for each CCR unit and document whether the calculated factors of safety for each CCR unit achieve the minimum safety factors specified in paragraphs (e)(1)(i) through (v) of this section for the critical cross section of the embankment. The critical cross section is the cross section anticipated to be the most susceptible of all cross sections to structural failure based on appropriate engineering considerations, including loading conditions. The safety factor assessments must be supported by appropriate engineering calculations.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
192	(e)	(1)	(i)			The calculated static factor of safety under the end-of-construction loading condition must equal or exceed 1.30. The assessment of this loading condition is only required for the initial safety factor assessment and is not required for subsequent assessments.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
193	(e)	(1)	(ii)			The calculated static factor of safety under the long-term, maximum storage pool loading condition must equal or exceed 1.50.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
194	(e)	(1)	(iii)			The calculated static factor of safety under the maximum surcharge pool loading condition must equal or exceed 1.40.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
195	(e)	(1)	(iv)			The calculated seismic factor of safety must equal or exceed 1.00.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
196	(e)	(1)	(v)			For dikes constructed of soils that have susceptibility to liquefaction, the calculated liquefaction factor of safety must equal or exceed 1.20.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
197	(e)	(2)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the initial assessment and each subsequent periodic assessment specified in paragraph (e)(1) of this section meets the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
198	(f)	(1)				Except as provided by paragraph (f)(2) of this section, the owner or operator of the CCR unit must complete the initial assessments required by paragraphs (a)(2), (d), and (e) of this section prior to the initial receipt of CCR in the unit. The owner or operator has completed an initial assessment when the owner or operator has placed the assessment required by paragraphs (a)(2), (d), and (e) of this section in the facility's operating record as required by § 257.105(f)(5), (10), and (12).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
199	(f)	(2)				Frequency for conducting periodic assessments. The owner or operator of the CCR unit must conduct and complete the assessments required by paragraphs (a)(2), (d), and (e) of this section every five years. The date of completing the initial assessment is the basis for establishing the deadline to complete the first subsequent assessment. The owner or operator may complete any required assessment prior to the required deadline provided the owner or operator places the completed assessment(s) into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent assessments is based on the date of completing the previous assessment. For purposes of this paragraph (f)(2), the owner or operator has completed an assessment when the relevant assessment(s) required by paragraphs (a)(2), (d), and (e) of this section has been placed in the facility's operating record as required by § 257.105(f)(5), (10), and (12).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
200	(f)	(3)				Failure to document minimum safety factors during the initial assessment. Until the date an owner or operator of a CCR unit documents that the calculated factors of safety achieve the minimum safety factors specified in paragraphs (e)(1)(i) through (v) of this section, the owner or operator is prohibited from placing CCR in such unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
201	(f)	(4)				Closure of the CCR unit. An owner or operator of a CCR unit who either fails to complete a timely periodic safety factor assessment or fails to demonstrate minimum safety factors as required by paragraph (e) of this section is subject to the requirements of § 257.101(c).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
202	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(f), the notification requirements specified in § 257.106(f), and the internet requirements specified in § 257.107(f).	Incorporated and adopted by reference. Rule 391-3-4-.10(4)(c)		
203	§ 257.80 Air Criteria								
204	The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								
205	(a)					The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including CCR fugitive dust originating from CCR units, roads, and other CCR management and material handling activities.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
206	(b)					The owner or operator of the CCR unit must prepare and operate in accordance with a CCR fugitive dust control plan as specified in paragraphs (b)(1) through (7) of this section. This requirement applies in addition to, not in place of, any applicable standards under the Occupational Safety and Health Act.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
207	(b)	(1)				The CCR fugitive dust control plan must identify and describe the CCR fugitive dust control measures the owner or operator will use to minimize CCR from becoming airborne at the facility. The owner or operator must select, and include in the CCR fugitive dust control plan, the CCR fugitive dust control measures that are most appropriate for site conditions, along with an explanation of how the measures selected are applicable and appropriate for site conditions. Examples of control measures that may be appropriate include: Locating CCR inside an enclosure or partial enclosure; operating a water spray or fogging system; reducing fall distances at material drop points; using wind barriers, compaction, or vegetative covers; establishing and enforcing reduced vehicle speed limits; paving and sweeping roads; covering trucks transporting CCR; reducing or halting operations during high wind events; or applying a daily cover.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
208	(b)	(2)				If the owner or operator operates a CCR landfill or any lateral expansion of a CCR landfill, the CCR fugitive dust control plan must include procedures to emplace CCR as conditioned CCR. Conditioned CCR means wetting CCR with water to a moisture content that will prevent wind dispersal, but will not result in free liquids. In lieu of water, CCR conditioning may be accomplished with an appropriate chemical dust suppression agent.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
209	(b)	(3)				The CCR fugitive dust control plan must include procedures to log citizen complaints received by the owner or operator involving CCR fugitive dust events at the facility.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
210	(b)	(4)				The CCR fugitive dust control plan must include a description of the procedures the owner or operator will follow to periodically assess the effectiveness of the control plan.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
211	(b)	(5)				The owner or operator of a CCR unit must prepare an initial CCR fugitive dust control plan for the facility no later than October 19, 2015, or by initial receipt of CCR in any CCR unit at the facility if the owner or operator becomes subject to this subpart after October 19, 2015. The owner or operator has completed the initial CCR fugitive dust control plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
212	(b)	(6)				Amendment of the plan. The owner or operator of a CCR unit subject to the requirements of this section may amend the written CCR fugitive dust control plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(1). The owner or operator must amend the written plan whenever there is a change in conditions that would substantially affect the written plan in effect, such as the construction and operation of a new CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
213	(b)	(7)				The owner or operator must obtain a certification from a qualified professional engineer that the initial CCR fugitive dust control plan, or any subsequent amendment of it, meets the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
214	(c)					Annual CCR fugitive dust control report. The owner or operator of a CCR unit must prepare an annual CCR fugitive dust control report that includes a description of the actions taken by the owner or operator to control CCR fugitive dust, a record of all citizen complaints, and a summary of any corrective measures taken. The initial annual report must be completed no later than 14 months after placing the initial CCR fugitive dust control plan in the facility's operating record. The deadline for completing a subsequent report is one year after the date of completing the previous report. For purposes of this paragraph (c), the owner or operator has completed the annual CCR fugitive dust control report when the plan has been placed in the facility's operating record as required by § 257.105(g)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
215	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
216	§ 257.82 Hydrologic and Hydraulic Capacity Requirements for CCR Surface Impoundments								
217	The owner or operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								
218	(a)	(1)				The owner or operator of an existing or new CCR surface impoundment or any lateral expansion of a CCR surface impoundment must design, construct, operate, and maintain an inflow design flood control system as specified in paragraphs (a)(1) and (2) of this section. The inflow design flood control system must adequately manage flow into the CCR unit during and following the peak discharge of the inflow design flood specified in paragraph (a)(3) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
219	(a)	(2)				The inflow design flood control system must adequately manage flow from the CCR unit to collect and control the peak discharge resulting from the inflow design flood specified in paragraph (a)(3) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
220	(a)	(3)	(i)			The inflow design flood is for a high hazard potential CCR surface impoundment, as determined under § 257.73(a)(2) or § 257.74(a)(2), the probable maximum flood;	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
221	(a)	(3)	(ii)			For a significant hazard potential CCR surface impoundment, as determined under § 257.73(a)(2) or § 257.74(a)(2), the 1,000-year flood;	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
222	(a)	(3)	(iii)			For a low hazard potential CCR surface impoundment, as determined under § 257.73(a)(2) or § 257.74(a)(2), the 100-year flood; or	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
223	(a)	(3)	(iv)			For an incised CCR surface impoundment, the 25-year flood.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
224	(b)					Discharge from the CCR unit must be handled in accordance with the surface water requirements under § 257.3-3.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
225	(c)	(1)				The owner or operator must prepare initial and periodic inflow design flood control system plans for the CCR unit according to the timeframes specified in paragraphs (c)(3) and (4) of this section. These plans must document how the inflow design flood control system has been designed and constructed to meet the requirements of this section. Each plan must be supported by appropriate engineering calculations. The owner or operator of the CCR unit has completed the inflow design flood control system plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
226	(c)	(2)				Amendment of the plan. The owner or operator of the CCR unit may amend the written inflow design flood control system plan at any time provided the revised plan is placed in the facility's operating record as required by § 257.105(g)(4). The owner or operator must amend the written inflow design flood control system plan whenever there is a change in conditions that would substantially affect the written plan in effect.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
227	(c)	(3)				Timeframes for preparing the initial plan—(i) Existing CCR surface impoundments. The owner or operator of the CCR unit must prepare the initial inflow design flood control system plan no later than October 17, 2016. (ii) New CCR surface impoundments and any lateral expansion of a CCR surface impoundment. The owner or operator must prepare the initial inflow design flood control system plan no later than the date of initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
228	(c)	(4)				Frequency for revising the plan. The owner or operator must prepare periodic inflow design flood control system plans required by paragraph (c)(1) of this section every five years. The date of completing the initial plan is the basis for establishing the deadline to complete the first periodic plan. The owner or operator may complete any required plan prior to the required deadline provided the owner or operator places the completed plan into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing a subsequent plan is based on the date of completing the previous plan. For purposes of this paragraph (c)(4), the owner or operator has completed an inflow design flood control system plan when the plan has been placed in the facility's operating record as required by § 257.105(g)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
229	(c)	(5)				The owner or operator must obtain a certification from a qualified professional engineer stating that the initial and periodic inflow design flood control system plans meet the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
230	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
231	§ 257.83 Inspection Requirements for CCR Surface Impoundments								
232	The owner or operator of the CCR unit must meet all the requirements (a) through (c) and all their components.								
233	(a)	(1)	(i)			All CCR surface impoundments and any lateral expansion of a CCR surface impoundment must be examined by a qualified person as follows:	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
						At intervals not exceeding seven days, inspect for any appearances of actual or potential structural weakness and other conditions which are disrupting or have the potential to disrupt the operation or safety of the CCR unit;			
234	(a)	(1)	(ii)			At intervals not exceeding seven days, inspect the discharge of all outlets of hydraulic structures which pass underneath the base of the surface impoundment or through the dike of the CCR unit for abnormal discoloration, flow or discharge of debris or sediment; and	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
235	(a)	(1)	(iii)			At intervals not exceeding 30 days, monitor all CCR unit instrumentation.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
236	(a)	(1)	(iv)			The results of the inspection by a qualified person must be recorded in the facility's operating record as required by § 257.105(g)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
237	(a)	(2)	(i)			For existing impoundments, the owner or operator of the CCR unit must initiate the inspections required under paragraph (a) of this section no later than October 19, 2015.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
238	(a)	(2)	(ii)			The owner or operator of a new CCR surface impoundment and any lateral expansion of a CCR surface impoundment must initiate the inspections required under paragraph (a) of this section upon initial receipt of CCR by the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
239	(b)	(1)				If the existing or new CCR surface impoundment or any lateral expansion of the CCR surface impoundment is subject to the periodic structural stability assessment requirements under § 257.73(d) or § 257.74(d), the CCR unit must additionally be inspected on a periodic basis by a qualified professional engineer to ensure that the design, construction, operation, and maintenance of the CCR unit is consistent with recognized and generally accepted good engineering standards.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
240	(b)	(1)	(i)			<i>The inspection must, at a minimum, include:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
						A review of available information regarding the status and condition of the CCR unit, including, but not limited to, files available in the operating record (e.g., CCR unit design and construction information required by §§ 257.73(c)(1) and 257.74(c)(1), previous periodic structural stability assessments required under §§ 257.73(d) and 257.74(d), the results of inspections by a qualified person, and results of previous annual inspections);			
241	(b)	(1)	(ii)			A visual inspection of the CCR unit to identify signs of distress or malfunction of the CCR unit and appurtenant structures; and	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
242	(b)	(1)	(iii)			A visual inspection of any hydraulic structures underlying the base of the CCR unit or passing through the dike of the CCR unit for structural integrity and continued safe and reliable operation.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
243	(b)	(2)	(i)			<i>The qualified professional engineer must prepare a report following each inspection that addresses the following:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
						Any changes in geometry of the impounding structure since the previous annual inspection;			
244	(b)	(2)	(ii)			The location and type of existing instrumentation and the maximum recorded readings of each instrument since the previous annual inspection;	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
245	(b)	(2)	(iii)			The approximate minimum, maximum, and present depth and elevation of the impounded water and CCR since the previous annual inspection;	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
246	(b)	(2)	(iv)			The storage capacity of the impounding structure at the time of the inspection;	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
247	(b)	(2)	(v)			The approximate volume of the impounded water and CCR at the time of the inspection;	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
248	(b)	(2)	(vi)			Any appearances of an actual or potential structural weakness of the CCR unit, in addition to any existing conditions that are disrupting or have the potential to disrupt the operation and safety of the CCR unit and appurtenant structures; and	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
249	(b)	(2)	(vii)			Any other change(s) which may have affected the stability or operation of the impounding structure since the previous annual inspection.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
250	(b)	(3)	(i)			The owner or operator of the CCR unit must complete the initial inspection required by paragraphs (b)(1) and (2) of this section no later than January 18, 2016.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
251	(b)	(3)	(ii)			The owner or operator of a new CCR surface impoundments and any lateral expansion of a CCR surface impoundment must complete the initial annual inspection required by paragraphs (b)(1) and (2) of this section is completed no later than 14 months following the date of initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
252	(b)	(4)	(i)			Except as provided for in paragraph (b)(4)(ii) of this section, the owner or operator of the CCR unit must conduct the inspection required by paragraphs (b)(1) and (2) of this section on an annual basis. The date of completing the initial inspection report is the basis for establishing the deadline to complete the first subsequent inspection. Any required inspection may be conducted prior to the required deadline provided the owner or operator places the completed inspection report into the facility's operating record within a reasonable amount of time. In all cases, the deadline for completing subsequent inspection reports is based on the date of completing the previous inspection report. For purposes of this section, the owner or operator has completed an inspection when the inspection report has been placed in the facility's operating record as required by § 257.105(g)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
253	(b)	(4)	(ii)			In any calendar year in which both the periodic inspection by a qualified professional engineer and the quinquennial (occurring every five years) structural stability assessment by a qualified professional engineer required by §§ 257.73(d) and 257.74(d) are required to be completed, the annual inspection is not required, provided the structural stability assessment is completed during the calendar year. If the annual inspection is not conducted in a year as provided by this paragraph (b)(4)(ii), the deadline for completing the next annual inspection is one year from the date of completing the quinquennial structural stability assessment.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
254	(b)	(5)				If a deficiency or release is identified during an inspection, the owner or operator must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
255	(c)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(g), the notification requirements specified in § 257.106(g), and the internet requirements specified in § 257.107(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(5)(b)		
							Rule 391-3-4-.10(5)(c)The operation and use of the CCR unit shall be as stipulated in the solid waste handling permit.		
256	§ 257.90 Applicability								
257	The owner of operator of the CCR unit must meet all the requirements (a) through (f), and all their components.								
258	(a)					All CCR landfills, CCR surface impoundments, and lateral expansions of CCR units are subject to the groundwater monitoring and corrective action requirements under §§257.90 through 257.98.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
259	(b)	(1)	(i)			<i>The owner or operator of an existing CCR landfill and existing CCR surface impoundment must be in compliance with the following groundwater monitoring requirements no later than October 17, 2017:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Install the groundwater monitoring system as required by § 257.91;			
260	(b)	(1)	(ii)			Develop the groundwater sampling and analysis program to include selection of the statistical procedures to be used for evaluating groundwater monitoring data as required by § 257.93;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
261	(b)	(1)	(iii)			Initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background and downgradient well as required by § 257.94(b); and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
262	(b)	(1)	(iv)			Begin evaluating the groundwater monitoring data for statistically significant increases over background levels for the constituents listed in appendix III of this part as required by § 257.94.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
263	(b)	(2)				Prior to initial receipt of CCR by the CCR unit, the owner or operator of a new CCR landfill, new CCR surface impoundment, and all lateral expansions of CCR units, must be in compliance with the groundwater monitoring requirements specified in paragraph (b)(1)(i) and (ii) of this section. In addition, the owner or operator of the CCR unit must initiate the detection monitoring program to include obtaining a minimum of eight independent samples for each background well as required by § 257.94(b).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
264	(c)					Once a groundwater monitoring system and groundwater monitoring program has been established at the CCR unit as required by this subpart, the owner or operator must conduct groundwater monitoring and, if necessary, corrective action throughout the active life and post-closure care period of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
265	(d)					In the event of a release from a CCR unit, the owner or operator must immediately take all necessary measures to control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of contaminants into the environment. The owner or operator of the CCR unit must comply with all applicable requirements in §§ 257.96, 257.97, and 257.98.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
266	(e)					The owner or operator of an existing CCR landfill and existing CCR surface impoundment, must prepare an annual groundwater monitoring and corrective action report no later than January 31, 2018, and annually thereafter. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, the owner or operator must prepare the initial annual groundwater monitoring and corrective action report no later than January 31 of the year following the calendar year a groundwater monitoring system has been established for such CCR unit as required by this subpart, and annually thereafter. For the preceding calendar year, the annual report must document the status of the groundwater monitoring and corrective action program for the CCR unit, summarize key actions completed, describe any problems encountered, discuss actions to resolve the problems, and project key activities for the upcoming year. For purposes of this section, the owner or operator has prepared the annual report when the report is placed in the facility's operating record as required by § 257.105(h)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
267	(e)	(1)				<i>At a minimum, the annual groundwater monitoring and corrective action report must contain the following information, to the extent available:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						A map, aerial image, or diagram showing the CCR unit and all background (or upgradient) and downgradient monitoring wells, to include the well identification numbers, that are part of the groundwater monitoring program for the CCR unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
268	(e)	(2)				Identification of any monitoring wells that were installed or decommissioned during the preceding year, along with a narrative description of why those actions were taken;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
269	(e)	(3)				In addition to all the monitoring data obtained under §§ 257.90 through 257.98, a summary including the number of groundwater samples that were collected for analysis for each background and downgradient well, the dates the samples were collected, and whether the sample was required by the detection monitoring or assessment monitoring programs;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
270	(e)	(4)				A narrative discussion of any transition between monitoring programs (e.g., the date and circumstances for transitioning from detection monitoring to assessment monitoring in addition to identifying the constituent(s) detected at a statistically significant increase over background levels); and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
271	(e)	(5)				Other information required to be included in the annual report as specified in §§ 257.90 through 257.98.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
272	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
273	§ 257.91 Groundwater monitoring systems								
274	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (g) and all their components.</i>								
275	(a)	(1)				The owner or operator of a CCR unit must install a groundwater monitoring system that consists of a sufficient number of wells, installed at appropriate locations and depths, to yield groundwater samples from the uppermost aquifer that accurately represent the quality of background groundwater that has not been affected by leakage from a CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
276	(a)	(1)	(i)			<i>A determination of background quality may include sampling of wells that are not hydraulically upgradient of the CCR management area where:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Hydrogeologic conditions do not allow the owner or operator of the CCR unit to determine what wells are hydraulically upgradient; or			
277	(a)	(1)	(ii)			Sampling at other wells will provide an indication of background groundwater quality that is as representative or more representative than that provided by the upgradient wells; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
278	(a)	(2)				Accurately represent the quality of groundwater passing the waste boundary of the CCR unit. The downgradient monitoring system must be installed at the waste boundary that ensures detection of groundwater contamination in the uppermost aquifer. All potential contaminant pathways must be monitored.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
279	(b)	(1)				The number, spacing, and depths of monitoring systems shall be determined based upon site-specific technical information that must include thorough characterization of: Aquifer thickness, groundwater flow rate, groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
280	(b)	(2)				Saturated and unsaturated geologic units and fill materials overlying the uppermost aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the uppermost aquifer, including, but not limited to, thicknesses, stratigraphy, lithology, hydraulic conductivities, porosities and effective porosities.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
281	(c)	(1)				The groundwater monitoring system must include the minimum number of monitoring wells necessary to meet the performance standards specified in paragraph (a) of this section, based on the site-specific information specified in paragraph (b) of this section. The groundwater monitoring system must contain: A minimum of one upgradient and three downgradient monitoring wells; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
282	(c)	(2)				Additional monitoring wells as necessary to accurately represent the quality of background groundwater that has not been affected by leakage from the CCR unit and the quality of groundwater passing the waste boundary of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
283	(d)	(1)				The owner or operator of multiple CCR units may install a multiunit groundwater monitoring system instead of separate groundwater monitoring systems for each CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
284	(d)	(1)	(i)			<i>The multiunit groundwater monitoring system must be equally as capable of detecting monitored constituents at the waste boundary of the CCR unit as the individual groundwater monitoring system specified in paragraphs (a) through (c) of this section for each CCR unit based on the following factors:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Number, spacing, and orientation of each CCR unit;			
285	(d)	(1)	(ii)			Hydrogeologic setting;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
286	(d)	(1)	(iii)			Site history;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
287	(d)	(1)	(iv)			Engineering design of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
288	(d)	(2)				If the owner or operator elects to install a multiunit groundwater monitoring system, and if the multiunit system includes at least one existing unlined CCR surface impoundment as determined by § 257.71(a), and if at any time after October 19, 2015 the owner or operator determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for the multiunit system, then all unlined CCR surface impoundments comprising the multiunit groundwater monitoring system are subject to the closure requirements under § 257.101(a) to retrofit or close.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
289	(e)	(1)				Monitoring wells must be cased in a manner that maintains the integrity of the monitoring well borehole. This casing must be screened or perforated and packed with gravel or sand, where necessary, to enable collection of groundwater samples. The annular space (i.e., the space between the borehole and well casing) above the sampling depth must be sealed to prevent contamination of samples and the groundwater. The owner or operator of the CCR unit must document and include in the operating record the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices. The qualified professional engineer must be given access to this documentation when completing the groundwater monitoring system certification required under paragraph (f) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
290	(e)	(2)				The monitoring wells, piezometers, and other measurement, sampling, and analytical devices must be operated and maintained so that they perform to the design specifications throughout the life of the monitoring program.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
291	(f)					The owner or operator must obtain a certification from a qualified professional engineer stating that the groundwater monitoring system has been designed and constructed to meet the requirements of this section. If the groundwater monitoring system includes the minimum number of monitoring wells specified in paragraph (c)(1) of this section, the certification must document the basis supporting this determination.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
292	(g)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
293	§ 257.93 Groundwater Sampling and Analysis Requirements								
294	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (j) and all their components.</i>								
295	(a)					The groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells required by § 257.91.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
296	(a)	(1)				<i>The owner or operator of the CCR unit must develop a sampling and analysis program that includes procedures and techniques for:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
					Sample collection;				
297	(a)	(2)				Sample preservation and shipment;			
298	(a)	(3)				Analytical procedures;			
299	(a)	(4)				Chain of custody control; and			
300	(a)	(5)				Quality assurance and quality control.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
301	(b)					The groundwater monitoring program must include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents and other monitoring parameters in groundwater samples. For purposes of §§ 257.90 through 257.98, the term constituent refers to both hazardous constituents and other monitoring parameters listed in either appendix III or IV of this part.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
302	(c)					Groundwater elevations must be measured in each well immediately prior to purging, each time groundwater is sampled. The owner or operator of the CCR unit must determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells which monitor the same CCR management area must be measured within a period of time short enough to avoid temporal variations in groundwater flow which could preclude accurate determination of groundwater flow rate and direction.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
303	(d)					The owner or operator of the CCR unit must establish background groundwater quality in a hydraulically upgradient or background well(s) for each of the constituents required in the particular groundwater monitoring program that applies to the CCR unit as determined under § 257.94(a) or § 257.95(a). Background groundwater quality may be established at wells that are not located hydraulically upgradient from the CCR unit if it meets the requirements of § 257.91(a)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
304	(e)					The number of samples collected when conducting detection monitoring and assessment monitoring (for both downgradient and background wells) must be consistent with the statistical procedures chosen under paragraph (f) of this section and the performance standards under paragraph (g) of this section. The sampling procedures shall be those specified under § 257.94(b) through (d) for detection monitoring, § 257.95(b) through (d) for assessment monitoring, and § 257.96(b) for corrective action.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
305	(f)	(1)				<i>The owner or operator of the CCR unit must select one of the statistical methods specified in paragraphs (f)(1) through (5) of this section to be used in evaluating groundwater monitoring data for each specified constituent. The statistical test chosen shall be conducted separately for each constituent in each monitoring well.</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						A parametric analysis of variance followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.			
306	(f)	(2)				An analysis of variance based on ranks followed by multiple comparison procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
307	(f)	(3)				A tolerance or prediction interval procedure, in which an interval for each constituent is established from the distribution of the background data and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
308	(f)	(4)				A control chart approach that gives control limits for each constituent.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
309	(f)	(5)				Another statistical test method that meets the performance standards of paragraph (g) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
310	(f)	(6)				The owner or operator of the CCR unit must obtain a certification from a qualified professional engineer stating that the selected statistical method is appropriate for evaluating the groundwater monitoring data for the CCR management area. The certification must include a narrative description of the statistical method selected to evaluate the groundwater monitoring data.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
311	(g)	(1)				<i>Any statistical method chosen under paragraph (f) of this section shall comply with the following performance standards, as appropriate, based on the statistical test method used:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of constituents. Normal distributions of data values shall use parametric methods. Non-normal distributions shall use non-parametric methods. If the distribution of the constituents is shown by the owner or operator of the CCR unit to be inappropriate for a normal theory test, then the data must be transformed or a distribution-free (non-parametric) theory test must be used. If the distributions for the constituents differ, more than one statistical method may be needed.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
312	(g)	(2)				If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparison procedure is used, the Type I experiment wise error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
313	(g)	(3)				If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. The parameter values shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
314	(g)	(4)				If a tolerance interval or a predictional interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be such that this approach is at least as effective as any other approach in this section for evaluating groundwater data. These parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
315	(g)	(5)				The statistical method must account for data below the limit of detection with one or more statistical procedures that shall at least as effective as any other approach in this section for evaluating groundwater data. Any practical quantitation limit that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
316	(g)	(6)				If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
317	(h)					The owner or operator of the CCR unit must determine whether or not there is a statistically significant increase over background values for each constituent required in the particular groundwater monitoring program that applies to the CCR unit, as determined under § 257.94(a) or § 257.95(a).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
318	(h)	(1)				In determining whether a statistically significant increase has occurred, the owner or operator must compare the groundwater quality of each constituent at each monitoring well designated pursuant to § 257.91(a)(2) or (d)(1) to the background value of that constituent, according to the statistical procedures and performance standards specified under paragraphs (f) and (g) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
319	(h)	(2)				Within 90 days after completing sampling and analysis, the owner or operator must determine whether there has been a statistically significant increase over background for any constituent at each monitoring well.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
320	(i)					The owner or operator must measure “total recoverable metals” concentrations in measuring groundwater quality. Measurement of total recoverable metals captures both the particulate fraction and dissolved fraction of metals in natural waters. Groundwater samples shall not be fieldfiltered prior to analysis.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
321	(j)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
322	§ 257.94 Detection Monitoring Program								
323	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (f) and all their components.</i>								
324	(a)					The owner or operator of a CCR unit must conduct detection monitoring at all groundwater monitoring wells consistent with this section. At a minimum, a detection monitoring program must include groundwater monitoring for all constituents listed in appendix III to this part.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
325	(b)					Except as provided in paragraph (d) of this section, the monitoring frequency for the constituents listed in appendix III to this part shall be at least semiannual during the active life of the CCR unit and the post-closure period. For existing CCR landfills and existing CCR surface impoundments, a minimum of eight independent samples from each background and downgradient well must be collected and analyzed for the constituents listed in appendix III and IV to this part no later than October 17, 2017. For new CCR landfills, new CCR surface impoundments, and all lateral expansions of CCR units, a minimum of eight independent samples for each background well must be collected and analyzed for the constituents listed in appendices III and IV to this part during the first six months of sampling.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
326	(c)					The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
327	(d)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix III to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (d)(1) and (2) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
328	(d)	(1)	(i)			<i>The alternative frequency must be based on consideration of the following factors:</i> Lithology of the aquifer and unsaturated zone;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
329	(d)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
330	(d)	(1)	(iii)			Groundwater flow rates.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
331	(d)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay establishment of an assessment monitoring program.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
332	(d)	(3)				The owner or operator must obtain a certification from a qualified demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
333	(e)	(1)				<i>If the owner or operator of the CCR unit determines, pursuant to § 257.93(h) that there is a statistically significant increase over background levels for one or more of the constituents listed in appendix III to this part at any monitoring well at the waste boundary specified under § 257.91(a)(2), the owner or operator must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Except as provided for in paragraph (e)(2) of this section, within 90 days of detecting a statistically significant increase over background levels for any constituent, establish an assessment monitoring program meeting the requirements of § 257.95.			
334	(e)	(2)				The owner or operator may demonstrate that a source other than the CCR unit caused the statistically significant increase over background levels for a constituent or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. The owner or operator must complete the written demonstration within 90 days of detecting a statistically significant increase over background levels to include obtaining a certification from a qualified professional engineer verifying the accuracy of the information in the report. If a successful demonstration is completed within the 90-day period, the owner or operator of the CCR unit may continue with a detection monitoring program under this section. If a successful demonstration is not completed within the 90-day period, the owner or operator of the CCR unit must initiate an assessment monitoring program as required under § 257.95. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
335	(e)	(3)				The owner or operator of a CCR unit must prepare a notification stating that an assessment monitoring program has been established. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
336	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
337	§ 257.95 Assessment Monitoring Program								
338	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (h) and all their components.</i>								
339	(a)					Assessment monitoring is required whenever a statistically significant increase over background levels has been detected for one or more of the constituents listed in appendix III to this part.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
340	(b)					Within 90 days of triggering an assessment monitoring program, and annually thereafter, the owner or operator of the CCR unit must sample and analyze the groundwater for all constituents listed in appendix IV to this part. The number of samples collected and analyzed for each well during each sampling event must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each well.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
341	(c)	(1)				The owner or operator of a CCR unit may demonstrate the need for an alternative monitoring frequency for repeated sampling and analysis for constituents listed in appendix IV to this part during the active life and the post-closure care period based on the availability of groundwater. If there is not adequate groundwater flow to sample wells semiannually, the alternative frequency shall be no less than annual. The need to vary monitoring frequency must be evaluated on a site-specific basis. The demonstration must be supported by, at a minimum, the information specified in paragraphs (c)(1) and (2) of this section. Information documenting that the need for less frequent sampling.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
342	(c)	(1)	(i)			<i>The alternative frequency must be based on consideration of the following factors:</i> Lithology of the aquifer and unsaturated zone;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
343	(c)	(1)	(ii)			Hydraulic conductivity of the aquifer and unsaturated zone; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
344	(c)	(1)	(iii)			Groundwater flow rates.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
345	(c)	(2)				Information documenting that the alternative frequency will be no less effective in ensuring that any leakage from the CCR unit will be discovered within a timeframe that will not materially delay the initiation of any necessary remediation measures.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
346	(c)	(3)				The owner or operator must obtain a certification from a qualified professional engineer stating that the demonstration for an alternative groundwater sampling and analysis frequency meets the requirements of this section. The owner or operator must include the demonstration providing the basis for the alternative monitoring frequency and the certification by a qualified professional engineer in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						<i>After obtaining the results from the initial and subsequent sampling events required in paragraph (b) of this section, the owner or operator must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
347	(d)	(1)				Within 90 days of obtaining the results, and on at least a semiannual basis thereafter, resample all wells that were installed pursuant to the requirements of § 257.91, conduct analyses for all parameters in appendix III to this part and for those constituents in appendix IV to this part that are detected in response to paragraph (b) of this section, and record their concentrations in the facility operating record. The number of samples collected and analyzed for each background well and downgradient well during subsequent semiannual sampling events must be consistent with § 257.93(e), and must account for any unique characteristics of the site, but must be at least one sample from each background and downgradient well;			
348	(d)	(2)				Establish groundwater protection standards for all constituents detected pursuant to paragraph (b) or (d) of this section. The groundwater protection standards must be established in accordance with paragraph (h) of this section; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
349	(d)	(3)				Include the recorded concentrations required by paragraph (d)(1) of this section, identify the background concentrations established under § 257.94(b), and identify the groundwater protection standards established under paragraph (d)(2) of this section in the annual groundwater monitoring and corrective action report required by § 257.90(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
350	(e)					If the concentrations of all constituents listed in appendices III and IV to this part are shown to be at or below background values, using the statistical procedures in § 257.93(g), for two consecutive sampling events, the owner or operator may return to detection monitoring of the CCR unit. The owner or operator must prepare a notification stating that detection monitoring is resuming for the CCR unit. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
351	(f)					If the concentrations of any constituent in appendices III and IV to this part are above background values, but all concentrations are below the groundwater protection standard established under paragraph (h) of this section, using the statistical procedures in § 257.93(g), the owner or operator must continue assessment monitoring in accordance with this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
352	(g)					If one or more constituents in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under paragraph (h) of this section in any sampling event, the owner or operator must prepare a notification identifying the constituents in appendix IV to this part that have exceeded the groundwater protection standard. The owner or operator has completed the notification when the notification is placed in the facility's operating record as required by § 257.105(h)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
353	(g)	(1)	(i)			<i>The owner or operator of the CCR unit also must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Characterize the nature and extent of the release and any relevant site conditions that may affect the remedy ultimately selected. The characterization must be sufficient to support a complete and accurate assessment of the corrective measures necessary to effectively clean up all releases from the CCR unit pursuant to § 257.96. Characterization of the release includes the following minimum measures: Install additional monitoring wells necessary to define the contaminant plume(s);	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
354	(g)	(1)	(ii)			Collect data on the nature and estimated quantity of material released including specific information on the constituents listed in appendix IV of this part and the levels at which they are present in the material released;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
355	(g)	(1)	(iii)			Install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with paragraph (d)(1) of this section; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
356	(g)	(1)	(iv)			Sample all wells in accordance with paragraph (d)(1) of this section to characterize the nature and extent of the release.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
357	(g)	(2)				Notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site if indicated by sampling of wells in accordance with paragraph (g)(1) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
358	(g)	(2)	(i)			The owner or operator has completed the notifications when they are placed in the facility's operating record as required by § 257.105(h)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
359	(g)	(3)	(i)			<i>Within 90 days of finding that any of the constituents listed in appendix IV to this part have been detected at a statistically significant level exceeding the groundwater protection standards the owner or operator must either:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Initiate an assessment of corrective measures as required by § 257.96; or			

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
360	(g)	(3)	(ii)			Demonstrate that a source other than the CCR unit caused the contamination, or that the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. Any such demonstration must be supported by a report that includes the factual or evidentiary basis for any conclusions and must be certified to be accurate by a qualified professional engineer. If a successful demonstration is made, the owner or operator must continue monitoring in accordance with the assessment monitoring program pursuant to this section, and may return to detection monitoring if the constituents in appendices III and IV to this part are at or below background as specified in paragraph (e) of this section. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
361	(g)	(4)				If a successful demonstration has not been made at the end of the 90 day period provided by paragraph (g)(3)(ii) of this section, the owner or operator of the CCR unit must initiate the assessment of corrective measures requirements under § 257.96.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
362	(g)	(5)				If an assessment of corrective measures is required under § 257.96 by either paragraph (g)(3)(i) or (g)(4) of this section, and if the CCR unit is an existing unlined CCR surface impoundment as determined by § 257.71(a), then the CCR unit is subject to the closure requirements under § 257.101(a) to retrofit or close. In addition, the owner or operator must prepare a notification stating that an assessment of corrective measures has been initiated.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
363	(h)					The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
364	(h)	(1)				<i>The groundwater protection standard shall be:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						The owner or operator of the CCR unit must establish a groundwater protection standard for each constituent in appendix IV to this part detected in the groundwater. The groundwater protection standard shall be: For constituents for which a maximum contaminant level (MCL) has been established under §§ 141.62 and 141.66 of this title, the MCL for that constituent;			
365	(h)	(2)				For constituents for which an MCL has not been established, the background concentration for the constituent established from wells in accordance with § 257.91; or	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
366	(h)	(3)				For constituents for which the background level is higher than the MCL identified under paragraph (h)(1) of this section, the background concentration. (i) The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
367	§ 257.96 Assessment of Corrective Measures								
368	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (f) and all their components.</i>								
369	(a)					Within 90 days of finding that any constituent listed in appendix IV to this part has been detected at a statistically significant level exceeding the groundwater protection standard defined under § 257.95(h), or immediately upon detection of a release from a CCR unit, the owner or operator must initiate an assessment of corrective measures to prevent further releases, to remediate any releases and to restore affected area to original conditions. The assessment of corrective measures must be completed within 90 days, unless the owner or operator demonstrates the need for additional time to complete the assessment of corrective measures due to site-specific conditions or circumstances. The owner or operator must obtain a certification from a qualified professional engineer attesting that the demonstration is accurate. The 90-day deadline to complete the assessment of corrective measures may be extended for no longer than 60 days. The owner or operator must also include the demonstration in the annual groundwater monitoring and corrective action report required by § 257.90(e), in addition to the certification by a qualified professional engineer.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
370	(b)					The owner or operator of the CCR unit must continue to monitor groundwater in accordance with the assessment monitoring program as specified in § 257.95.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
371	(c)	(1)				<i>The assessment under paragraph (a) of this section must include an analysis of the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy as described under § 257.97 addressing at least the following:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						The performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;			
372	(c)	(2)				The time required to begin and complete the remedy;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
373	(c)	(3)				The institutional requirements, such as state or local permit requirements or other environmental or public health requirements that may substantially affect implementation of the remedy(s).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
374	(d)					The owner or operator must place the completed assessment of corrective measures in the facility's operating record. The assessment has been completed when it is placed in the facility's operating record as required by § 257.105(h)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
375	(e)					The owner or operator must discuss the results of the corrective measures assessment at least 30 days prior to the selection of remedy, in a public meeting with interested and affected parties.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
376	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
377	§ 257.97 Selection of Remedy								
378	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (e) and all their components.</i>								
379	(a)					Based on the results of the corrective measures assessment conducted under § 257.96, the owner or operator must, as soon as feasible, select a remedy that, at a minimum, meets the standards listed in paragraph (b) of this section. This requirement applies to, not in place of, any applicable standards under the Occupational Safety and Health Act. The owner or operator must prepare a semiannual report describing the progress in selecting and designing the remedy. Upon selection of a remedy, the owner or operator must prepare a final report describing the selected remedy and how it meets the standards specified in paragraph (b) of this section. The owner or operator must obtain a certification from a qualified professional engineer that the remedy selected meets the requirements of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
380	(b)	(1)				<i>Remedies must:</i> Be protective of human health and the environment;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
381	(b)	(2)				Attain the groundwater protection standard as specified pursuant to § 257.95(h);	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
382	(b)	(3)				Control the source(s) of releases so as to reduce or eliminate, to the maximum extent feasible, further releases of constituents in appendix IV to this part into the environment;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
383	(b)	(4)				Remove from the environment as much of the contaminated material that was released from the CCR unit as is feasible, taking into account factors such as avoiding inappropriate disturbance of sensitive ecosystems;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
384	(b)	(5)				Comply with standards for management of wastes as specified in § 257.98(d).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
385	(c)					<i>In selecting a remedy that meets the standards of paragraph (b) of this section, the owner or operator of the CCR unit shall consider the following evaluation factors:</i> The long- and short-term effectiveness and protectiveness of the potential remedy(s), along with the degree of certainty that the remedy will prove successful.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
386	(c)	(1)	(i)			<i>The remedy will prove successful based on consideration of the following:</i> Magnitude of reduction of existing risks;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
387	(c)	(1)	(ii)			Magnitude of residual risks in terms of likelihood of further releases due to CCR remaining following implementation of a remedy;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
388	(c)	(1)	(iii)			The type and degree of long-term management required, including monitoring, operation, and maintenance;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
389	(c)	(1)	(iv)			Short-term risks that might be posed to the community or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and redisposal of contaminant;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
390	(c)	(1)	(v)			Time until full protection is achieved;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
391	(c)	(1)	(vi)			Potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, re-disposal, or containment;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
392	(c)	(1)	(vii)			Long-term reliability of the engineering and institutional controls; and (viii) Potential need for replacement of the remedy.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
393	(c)	(2)	(i)			<i>The effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors:</i> The extent to which containment practices will reduce further releases; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
394	(c)	(2)	(ii)			The extent to which treatment technologies may be used.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
395	(c)	(3)	(i)			<i>The ease or difficulty of implementing a potential remedy(s) based on consideration of the following types of factors:</i> Degree of difficulty associated with constructing the technology;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
396	(c)	(3)	(ii)			Expected operational reliability of the technologies;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
397	(c)	(3)	(iii)			Need to coordinate with and obtain necessary approvals and permits from other agencies;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
398	(c)	(3)	(iv)			Availability of necessary equipment and specialists; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
399	(c)	(3)	(v)			Available capacity and location of needed treatment, storage, and disposal services.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
400	(c)	(4)				The degree to which community concerns are addressed by a potential remedy(s).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
401	(d)					The owner or operator must specify as part of the selected remedy a schedule(s) for implementing and completing remedial activities. Such a schedule must require the completion of remedial activities within a reasonable period of time taking into consideration the factors set forth in paragraphs (d)(1) through (6) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
402	(d)	(1)				<i>The owner or operator of the CCR unit must consider the following factors in determining the schedule of remedial activities:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Extent and nature of contamination, as determined by the characterization required under § 257.95(g);			
403	(d)	(2)				Reasonable probabilities of remedial technologies in achieving compliance with the groundwater protection standards established under § 257.95(h) and other objectives of the remedy;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
404	(d)	(3)				Availability of treatment or disposal capacity for CCR managed during implementation of the remedy;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
405	(d)	(4)				Potential risks to human health and the environment from exposure to contamination prior to completion of the remedy;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
406	(d)	(5)	(i)			Resource value of the aquifer including: Current and future uses;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
407	(d)	(5)	(ii)			Proximity and withdrawal rate of users;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
408	(d)	(5)	(iii)			Groundwater quantity and quality;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
409	(d)	(5)	(iv)			The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to CCR constituents;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
410	(d)	(5)	(v)			The hydrogeologic characteristic of the facility and surrounding land; and (vi) The availability of alternative water supplies; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
411	(d)	(6)				Other relevant factors.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
412	(e)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the Internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
413	§ 257.98 Implementation of the Corrective Action Program								
414	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (f) and all their components.</i>								
415	(a)					Within 90 days of selecting a remedy under § 257.97, the owner or operator must initiate remedial activities.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
416	(a)	(1)				<i>Based on the schedule established under § 257.97(d) for implementation and completion of remedial activities the owner or operator must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Establish and implement a corrective action groundwater monitoring program.			
417	(a)	(1)	(i)			<i>The corrective action groundwater monitoring program must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						At a minimum, meets the requirements of an assessment monitoring program under § 257.95;			
418	(a)	(1)	(ii)			Documents the effectiveness of the corrective action remedy; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
419	(a)	(1)	(iii)			Demonstrates compliance with the groundwater protection standard pursuant to paragraph (c) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
420	(a)	(2)				Implement the corrective action remedy selected under § 257.97; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
421	(a)	(3)				Take any interim measures necessary to reduce the contaminants leaching from the CCR unit, and/or potential exposures to human or ecological receptors. Interim measures must, to the greatest extent feasible, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to § 257.97.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
422	(a)	(3)	(i)			<i>The following factors must be considered by an owner or operator in determining whether interim measures are necessary:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						Time required to develop and implement a final remedy;			
423	(a)	(3)	(ii)			Actual or potential exposure of nearby populations or environmental receptors to any of the constituents listed in appendix IV of this part;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
424	(a)	(3)	(iii)			Actual or potential contamination of drinking water supplies or sensitive ecosystems;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
425	(a)	(3)	(iv)			Further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
426	(a)	(3)	(v)			Weather conditions that may cause any of the constituents listed in appendix IV to this part to migrate or be released;	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
427	(a)	(3)	(vi)			Potential for exposure to any of the constituents listed in appendix IV to this part as a result of an accident or failure of a container or handling system; and	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
428	(a)	(3)	(vii)			Other situations that may pose threats to human health and the environment.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
429	(b)					If an owner or operator of the CCR unit, determines, at any time, that compliance with the requirements of § 257.97(b) is not being achieved through the remedy selected, the owner or operator must implement other methods or techniques that could feasibly achieve compliance with the requirements.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
430	(c)	(1)				<i>Remedies selected pursuant to § 257.97 shall be considered complete when:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
						The owner or operator of the CCR unit demonstrates compliance with the groundwater protection standards established under § 257.95(h) has been achieved at all points within the plume of contamination that lie beyond the groundwater monitoring well system established under § 257.91.			
431	(c)	(2)				Compliance with the groundwater protection standards established under § 257.95(h) has been achieved by demonstrating that concentrations of constituents listed in appendix IV to this part have not exceeded the groundwater protection standard(s) for a period of three consecutive years using the statistical procedures and performance standards in § 257.93(f) and (g).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
432	(c)	(3)				All actions required to complete the remedy have been satisfied.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
433	(d)					All CCR that are managed pursuant to a remedy required under § 257.97, or an interim measure required under paragraph (a)(3) of this section, shall be managed in a manner that complies with all applicable RCRA requirements.	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
434	(e)					Upon completion of the remedy, the owner or operator must prepare a notification stating that the remedy has been completed. The owner or operator must obtain a certification from a qualified professional engineer attesting that the remedy has been completed in compliance with the requirements of paragraph (c) of this section. The report has been completed when it is placed in the operating record as required by § 257.105(h)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
435	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(h), the notification requirements specified in § 257.106(h), and the internet requirements specified in § 257.107(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(6)(a)		
							Rule 391-3-4-.10(6)(b): When referenced in this Rule, Appendix III and Appendix IV constituents shall refer to those constituents as listed in Appendix III and IV of 40 CFR Part 257, Subpart D, 80 FR 21468, (Apr. 17, 2015), which are hereby incorporated by reference.		
							Rule 391-3-4-.10(6)(c): The owner or operator of a CCR unit must submit a semi-annual report to the Division to coincide with the semi-annual sampling event. A qualified groundwater scientist must certify the report.		
							Rule 391-3-4-.10(6)(d): The Division must provide concurrence with the following actions in order for them to be complete: 1. Groundwater monitoring system design 2. Groundwater sampling and analysis plan 3. Groundwater monitoring well installation 4. Alternate source demonstration 5. Selection of remedy 6. Completion of remedy		
							Rule 391-3-4-.10(6)(e): The Director may require the analysis of additional parameters based on waste descriptions.		
							Rule 391-3-4-.10(6)(f): An owner or operator of a CCR unit shall continue to monitor for Appendix I or II constituents if these constituents have previously been detected at statistically significant levels above background concentrations.		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
							Rule 391-3-4-.10(6)(g): Monitoring wells require replacement after two dry sampling events, unless an alternate schedule has been approved by the Division. A minor modification shall be submitted in accordance with subparagraph (4)(b)7 of Rule 391-3-4-.02 prior to the installation or decommissioning of monitoring wells. Well installation must be directed by a qualified groundwater scientist.		
436	§ 257.100 Inactive CCR Surface Impoundments								
437	The owner or operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								
438	(a)					Inactive CCR surface impoundments are subject to all of the requirements of this subpart applicable to existing CCR surface impoundments.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
439	(e)	(1)				Timeframes for certain inactive CCR surface impoundments. (1) An inactive CCR surface impoundment for which the owner or operator has completed the actions by the deadlines specified in paragraphs (e)(1)(i) through (iii) of this section is eligible for the alternative timeframes specified in paragraphs (e)(2) through (6) of this section. The owner or operator of the CCR unit must comply with the applicable recordkeeping, notification, and internet requirements associated with these provisions. For the inactive CCR surface impoundment:	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
440	(e)	(1)	(i)			The owner or operator must have prepared and placed in the facility's operating record by December 17, 2015, a notification of intent to initiate closure of the inactive CCR surface impoundment pursuant to §257.105(i)(1);	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
441	(e)	(1)	(ii)			The owner or operator must have provided notification to the State Director and/or appropriate Tribal authority by January 19, 2016, of the intent to initiate closure of the inactive CCR surface impoundment pursuant to §257.106(i)(1); and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
442	(e)	(1)	(iii)			The owner or operator must have placed on its CCR Web site by January 19, 2016, the notification of intent to initiate closure of the inactive CCR surface impoundment pursuant to §257.107(i)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
443	(e)	(2)	(i)			Location restrictions. (i) No later than April 16, 2020, the owner or operator of the inactive CCR surface impoundment must:	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
444	(e)	(2)	(i)	(A)		Complete the demonstration for placement above the uppermost aquifer as set forth by §257.60(a), (b), and (c)(3);	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
445	(e)	(2)	(i)	(B)		Complete the demonstration for wetlands as set forth by §257.61(a), (b), and (c)(3);	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
446	(e)	(2)	(i)	(C)		Complete the demonstration for fault areas as set forth by §257.62(a), (b), and (c)(3);	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
447	(e)	(2)	(i)	(D)		Complete the demonstration for seismic impact zones as set forth by §257.63(a), (b), and (c)(3); and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
448	(e)	(2)	(i)	(E)		Complete the demonstration for unstable areas as set forth by §257.64(a), (b), (c), and (d)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
449	(e)	(2)	(ii)			An owner or operator of an inactive CCR surface impoundment who fails to demonstrate compliance with the requirements of paragraph (e)(2)(i) of this section is subject to the closure requirements of §257.101(b)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
450	(e)	(3)				<i>Design criteria. The owner or operator of the inactive CCR surface impoundment must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
451	(e)	(3)	(i)			No later than April 17, 2018, complete the documentation of liner type as set forth by §257.71(a) and (b).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
452	(e)	(3)	(ii)			No later than June 16, 2017, place on or immediately adjacent to the CCR unit the permanent identification marker as set forth by §257.73(a)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
453	(e)	(3)	(iii)			No later than October 16, 2018, prepare and maintain an Emergency Action Plan as set forth by §257.73(a)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
454	(e)	(3)	(iv)			No later than April 17, 2018, compile a history of construction as set forth by §257.73(b) and (c).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
455	(e)	(3)	(v)			No later than April 17, 2018, complete the initial hazard potential classification, structural stability, and safety factor assessments as set forth by §257.73(a)(2), (b), (d), (e), and (f).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
456	(e)	(4)				<i>Operating criteria. The owner or operator of the inactive CCR surface impoundment must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
457	(e)	(4)	(i)			No later than April 18, 2017, prepare the initial CCR fugitive dust control plan as set forth in §257.80(b).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
458	(e)	(4)	(ii)			No later than April 17, 2018, prepare the initial inflow design flood control system plan as set forth in §257.82(c).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
459	(e)	(4)	(iii)			No later than April 18, 2017, initiate the inspections by a qualified person as set forth by §257.83(a).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
460	(e)	(4)	(iv)			No later than July 19, 2017, complete the initial annual inspection by a qualified professional engineer as set forth by §257.83(b).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
461	(e)	(5)				Groundwater monitoring and corrective action. The owner or operator of the inactive CCR surface impoundment must:	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
462	(e)	(5)	(i)			The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the internet requirements specified in § 257.107(i).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
463	(e)	(5)	(ii)			No later than August 1, 2019, prepare the initial groundwater monitoring and corrective action report as set forth in §257.90(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
464	(e)	(6)	(i)			Closure and post-closure care. The owner or operator of the inactive CCR surface impoundment must:	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
465	(e)	(6)				No later than April 17, 2018, prepare an initial written closure plan as set forth in §257.102(b); and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
466	(e)	(6)		(ii)		No later than April 17, 2018, prepare an initial written post-closure care plan as set forth in §257.104(d).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(a)		
							Rule 391-3-4-.10(7)(a)1: The following additional requirements apply to inactive surface impoundments that complete closure requirements in <u>40 CFR 257.100(b)(1) through (b)(4)</u> no later than April 17, 2018: (i) Permitting requirements in Rule 391-3-4-.10(9) (ii) Groundwater monitoring and corrective action requirements in Rule 391-3-4-.10(6).		
							Rule 391-3-4-.10(7)(a)2: CCR surface impoundments that complete closure through removal of CCR and meet all of the requirements of <u>40 CFR 257.100(b)(5)</u> no later than April 17, 2018 are subject only to the requirements in subparagraph (9)(c)6(v)(l) of Rule 391-3-4-.10.		
							Rule 391-3-4-.10(7) (c): The owner or operator must close the CCR unit in accordance with the written closure plan.		
							Rule 391-3-4-.10(7)(d): A notice of intent to close must be provided to the Director after receipt of the final load of waste.		
							Rule 391-3-4-.10(7)(e): Upon completion of closure activities, a professional engineer registered in Georgia shall prepare and submit a closure report to the Director. The closure report must be completed on forms provided by the Division. If the Director concurs with the closure report, closure will be deemed complete and the facility may begin the post-closure care period.		
							Rule 391-3-4-.10(7)(f): Concurrent with the submission of this closure report to the Director, the owner or operator must submit confirmation to the Director that a notation on the property deed has been recorded. This recording must in perpetuity notify any potential purchaser of the property that the land has been used as a CCR unit and that its use is restricted under the post closure care requirements of this Rule.		
467	§ 257.101 Closure or Retrofit of CCR Units								
468	The owner of operator of the CCR unit must meet all the requirements (a) through (d) and all their components.								
469	(a)	(1)				The owner or operator of an existing unlined CCR surface impoundment, as determined under § 257.71(a), is subject to the requirements of paragraph (a)(1) of this section. Except as provided by paragraph (a)(3) of this section, if at any time after October 19, 2015 an owner or operator of an existing unlined CCR surface impoundment determines in any sampling event that the concentrations of one or more constituents listed in appendix IV to this part are detected at statistically significant levels above the groundwater protection standard established under § 257.95(h) for such CCR unit, within six months of making such determination, the owner or operator of the existing unlined CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR surface impoundment and either retrofit or close the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
470	(a)	(2)				An owner or operator of an existing unlined CCR surface impoundment that closes in accordance with paragraph (a)(1) of this section must include a statement in the notification required under § 257.102(g) or (k)(5) that the CCR surface impoundment is closing or retrofitting under the requirements of paragraph (a)(1) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
471	(a)	(3)				The timeframe specified in paragraph (a)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
472	(a)	(4)				At any time after the initiation of closure under paragraph (a)(1) of this section, the owner or operator may cease closure activities and initiate a retrofit of the CCR unit in accordance with the requirements of § 257.102(k).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
473	(b)	(1)				The owner or operator of an existing CCR surface impoundment is subject to the requirements of paragraph (b)(1) of this section. Except as provided by paragraph (b)(4) of this section, within six months of determining that an existing CCR surface impoundment has not demonstrated compliance with any location standard specified in §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
474	(b)	(2)				Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.73(e) by the deadlines specified in § 257.73(f)(1) through (3) or failing to document that the calculated factors of safety for the existing CCR surface impoundment achieve the minimum safety factors specified in § 257.73(e)(1)(i) through (iv), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
475	(b)	(3)				An owner or operator of an existing CCR surface impoundment that closes in accordance with paragraphs (b)(1) or (2) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraphs (b)(1) or (2) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
476	(b)	(4)				The timeframe specified in paragraph (b)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
477	(c)	(1)				The owner or operator of a new CCR surface impoundment is subject to the requirements of paragraph (c)(1) of this section. Within six months of either failing to complete the initial or any subsequent periodic safety factor assessment required by § 257.74(e) by the deadlines specified in § 257.74(f)(1) through (3) or failing to document that the calculated factors of safety for the new CCR surface impoundment achieve the minimum safety factors specified in § 257.74(e)(1)(i) through (v), the owner or operator of the CCR surface impoundment must cease placing CCR and non-CCR wastestreams into such CCR unit and close the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
478	(c)	(2)				An owner or operator of an new CCR surface impoundment that closes in accordance with paragraph (c)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR surface impoundment is closing under the requirements of paragraph (c)(1) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
479	(d)	(1)				The owner or operator of an existing CCR landfill is subject to the requirements of paragraph (d)(1) of this section. Except as provided by paragraph (d)(3) of this section, within six months of determining that an existing CCR landfill has not demonstrated compliance with the location restriction for unstable areas specified in § 257.64(a), the owner or operator of the CCR unit must cease placing CCR and non-CCR waste streams into such CCR landfill and close the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
480	(d)	(2)				An owner or operator of an existing CCR landfill that closes in accordance with paragraph (d)(1) of this section must include a statement in the notification required under § 257.102(g) that the CCR landfill is closing under the requirements of paragraph (d)(1) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
481	(d)	(3)				The timeframe specified in paragraph (d)(1) of this section does not apply if the owner or operator complies with the alternative closure procedures specified in § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
482	§ 257.102 Criteria for Conducting the Closure or Retrofit of CCR Units								
483	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (k) and all their components.</i>								
484	(a)					Closure of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit must be completed either by leaving the CCR in place and installing a final cover system or through removal of the CCR and decontamination of the CCR unit, as described in paragraphs (b) through (j) of this section. Retrofit of a CCR surface impoundment must be completed in accordance with the requirements in paragraph (k) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
485	(b)	(1)				The owner or operator of a CCR unit must prepare a written closure plan that describes the steps necessary to close the CCR unit at any point during the active life of the CCR unit consistent with recognized and generally accepted good engineering practices.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
486	(b)	(1)	(i)			<i>The written closure plan must include, at a minimum, the information specified in paragraphs (b)(1)(i) through (vi) of this section:</i>			

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
						A narrative description of how the CCR unit will be closed in accordance with this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
487	(b)	(1)	(ii)			If closure of the CCR unit will be accomplished through removal of CCR from the CCR unit, a description of the procedures to remove the CCR and decontaminate the CCR unit in accordance with paragraph (c) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
488	(b)	(1)	(iii)			If closure of the CCR unit will be accomplished by leaving CCR in place, a description of the final cover system, designed in accordance with paragraph (d) of this section, and the methods and procedures to be used to install the final cover. The closure plan must also discuss how the final cover system will achieve the performance standards specified in paragraph (d) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
489	(b)	(1)	(iv)			An estimate of the maximum inventory of CCR ever on-site over the active life of the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
490	(b)	(1)	(v)			An estimate of the largest area of the CCR unit ever requiring a final cover as required by paragraph (d) of this section at any time during the CCR unit's active life.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
491	(b)	(1)	(v)			A schedule for completing all activities necessary to satisfy the closure criteria in this section, including an estimate of the year in which all closure activities for the CCR unit will be completed. The schedule should provide sufficient information to describe the sequential steps that will be taken to close the CCR unit, including identification of major milestones such as coordinating with and obtaining necessary approvals and permits from other agencies, the dewatering and stabilization phases of CCR surface impoundment closure, or installation of the final cover system, and the estimated timeframes to complete each step or phase of CCR unit closure. When preparing the written closure plan, if the owner or operator of a CCR unit estimates that the time required to complete closure will exceed the timeframes specified in paragraph (f)(1) of this section, the written closure plan must include the site-specific information, factors and considerations that would support any time extension sought under paragraph (f)(2) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
492	(b)	(2)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than October 17, 2016.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
493	(b)	(2)	(ii)			For new CCR landfills and new CCR surface impoundments, and any lateral expansion of a CCR unit, the owner or operator must prepare an initial written closure plan consistent with the requirements specified in paragraph (b)(1) of this section, no later than the date of the initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
494	(b)	(2)	(iii)			The owner or operator has completed the written closure plan when the plan, including the certification required by paragraph (b)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
495	(b)	(3)	(i)			The owner or operator may amend the initial or any subsequent written closure plan developed pursuant to paragraph (b)(1) of this section at any time.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
496	(b)	(3)	(ii)	(A)		<i>The owner or operator must amend the written closure plan whenever:</i> There is a change in the operation of the CCR unit that would substantially affect the written closure plan in effect; or	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
497	(b)	(3)	(ii)	(B)		Before or after closure activities have commenced, unanticipated events necessitate a revision of the written closure plan.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
498	(b)	(3)	(iii)			The owner or operator must amend the closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written closure plan. If a written closure plan is revised after closure activities have commenced for a CCR unit, the owner or operator must amend the current closure plan no later than 30 days following the triggering event.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
499	(b)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
500	(c)					An owner or operator may elect to close a CCR unit by removing and decontaminating all areas affected by releases from the CCR unit. CCR removal and decontamination of the CCR unit are complete when constituent concentrations throughout the CCR unit and any areas affected by releases from the CCR unit have been removed and groundwater monitoring concentrations do not exceed the groundwater protection standard established pursuant to § 257.95(h) for constituents listed in appendix IV to this part.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						<i>The owner or operator of a CCR unit must ensure that, at a minimum, the CCR unit is closed in a manner that will:</i>			

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
501	(d)	(1)	(i)			Control, minimize or eliminate, to the maximum extent feasible, postclosure infiltration of liquids into the waste and releases of CCR, leachate, or contaminated run-off to the ground or surface waters or to the atmosphere;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
502	(d)	(1)	(ii)			Preclude the probability of future impoundment of water, sediment, or slurry;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
503	(d)	(1)	(iii)			Include measures that provide for major slope stability to prevent the sloughing or movement of the final cover system during the closure and post-closure care period;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
504	(d)	(1)	(iv)			Minimize the need for further maintenance of the CCR unit; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
505	(d)	(1)	(v)			Be completed in the shortest amount of time consistent with recognized and generally accepted good engineering practices.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
506	(d)	(2)	(i)			<i>The owner or operator of a CCR surface impoundment or any lateral expansion of a CCR surface impoundment must meet the requirements of paragraphs (d)(2)(i) and (ii) of this section prior to installing the final cover system required under paragraph (d)(3) of this section.</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						Free liquids must be eliminated by removing liquid wastes or solidifying the remaining wastes and waste residues.			
507	(d)	(2)	(ii)			Remaining wastes must be stabilized sufficient to support the final cover system.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
508	(d)	(3)				If a CCR unit is closed by leaving CCR in place, the owner or operator must install a final cover system that is designed to minimize infiltration and erosion, and at a minimum, meets the requirements of paragraph (d)(3)(i) of this section, or the requirements of the alternative final cover system specified in paragraph (d)(3)(ii) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
509	(d)	(3)	(i)			The final cover system must be designed and constructed to meet the criteria in paragraphs (d)(3)(i)(A) through (D) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
510	(d)	(3)	(i)	(A)		<i>The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						The permeability of the final cover system must be less than or equal to the permeability of any bottom liner system or natural subsoils present, or a permeability no greater than 1 × 10 ⁻⁵ cm/sec, whichever is less.			
511	(d)	(3)	(i)	(B)		The infiltration of liquids through the closed CCR unit must be minimized by the use of an infiltration layer that contains a minimum of 18 inches of earthen material.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
512	(d)	(3)	(i)	(C)		The erosion of the final cover system must be minimized by the use of an erosion layer that contains a minimum of six inches of earthen material that is capable of sustaining native plant growth.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
513	(d)	(3)	(i)	(D)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
514	(d)	(3)	(ii)			The owner or operator may select an alternative final cover system design, provided the alternative final cover system is designed and constructed to meet the criteria in paragraphs (f)(3)(ii)(A) through (D) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
515	(d)	(3)	(ii)	(A)		<i>The design of the final cover system must be included in the written closure plan required by paragraph (b) of this section.</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						The design of the final cover system must include an infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in paragraphs (d)(3)(i)(A) and (B) of this section.			
516	(d)	(3)	(ii)	(B)		The design of the final cover system must include an erosion layer that provides equivalent protection from wind or water erosion as the erosion layer specified in paragraph (d)(3)(i)(C) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
517	(d)	(3)	(ii)	(C)		The disruption of the integrity of the final cover system must be minimized through a design that accommodates settling and subsidence.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
518	(d)	(3)	(iii)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the design of the final cover system meets the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
519	(e)					Except as provided for in paragraph (e)(4) of this section and § 257.103, the owner or operator of a CCR unit must commence closure of the CCR unit no later than the applicable timeframes specified in either paragraph (e)(1) or (2) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
520	(e)	(1)	(i)			<i>The owner or operator must commence closure of the CCR unit no later than 30 days after the date on which the CCR unit either:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						Receives the known final receipt of waste, either CCR or any non-CCR waste stream; or			
521	(e)	(1)	(ii)			Removes the known final volume of CCR from the CCR unit for the purpose of beneficial use of CCR.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
522	(e)	(2)	(i)			Except as provided by paragraph (e)(2)(ii) of this section, the owner or operator must commence closure of a CCR unit that has not received CCR or any non-CCR waste stream or is no longer removing CCR for the purpose of beneficial use within two years of the last receipt of waste or within two years of the last removal of CCR material for the purpose of beneficial use.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
523	(e)	(2)	(ii)			Notwithstanding paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit may secure an additional two years to initiate closure of the idle unit provided the owner or operator provides written documentation that the CCR unit will continue to accept wastes or will start removing CCR for the purpose of beneficial use. The documentation must be supported by, at a minimum, the information specified in paragraphs (e)(2)(ii)(A) and (B) of this section. The owner or operator may obtain two-year extensions provided the owner or operator continues to be able to demonstrate that there is reasonable likelihood that the CCR unit will accept wastes in the foreseeable future or will remove CCR from the unit for the purpose of beneficial use. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by § 257.105(i)(5) prior to the end of any two-year period.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
524	(e)	(2)	(ii)	(A)		Information documenting that the CCR unit has remaining storage or disposal capacity or that the CCR unit can have CCR removed for the purpose of beneficial use; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
525	(e)	(2)	(ii)	(B)		Information demonstrating that that there is a reasonable likelihood that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future or that CCR can be removed for the purpose of beneficial use. The narrative must include a best estimate as to when the CCR unit will resume receiving CCR or non-CCR waste streams. The situations listed in paragraphs (e)(2)(ii)(B)(1) through (4) of this section are examples of situations that would support a determination that the CCR unit will resume receiving CCR or non-CCR waste streams in the foreseeable future.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
526	(e)	(2)	(ii)	(B)	(1)	Normal plant operations include periods during which the CCR unit does not receive CCR or non-CCR waste streams, such as the alternating use of two or more CCR units whereby at any point in time one CCR unit is receiving CCR while CCR is being removed from a second CCR unit after its dewatering.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
527	(e)	(2)	(ii)	(B)	(2)	The CCR unit is dedicated to a coal-fired boiler unit that is temporarily idled (e.g., CCR is not being generated) and there is a reasonable likelihood that the coal-fired boiler will resume operations in the future.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
528	(e)	(2)	(ii)	(B)	(3)	The CCR unit is dedicated to an operating coal-fired boiler (i.e., CCR is being generated); however, no CCR are being placed in the CCR unit because the CCR are being entirely diverted to beneficial uses, but there is a reasonable likelihood that the CCR unit will again be used in the foreseeable future.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
529	(e)	(2)	(ii)	(B)	(4)	The CCR unit currently receives only non-CCR waste streams and those non-CCR waste streams are not generated for an extended period of time, but there is a reasonable likelihood that the CCR unit will again receive non-CCR waste streams in the future.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
530	(e)	(2)	(iii)			In order to obtain additional time extension(s) to initiate closure of a CCR unit beyond the two years provided by paragraph (e)(2)(i) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (e)(2)(ii) of this section the following statement signed by the owner or operator or an authorized representative: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
531	(e)	(3)	(i)			<i>For purposes of this subpart, closure of the CCR unit has commenced if the owner or operator has ceased placing waste and completes any of the following actions or activities:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						Taken any steps necessary to implement the written closure plan required by paragraph (b) of this section;			
532	(e)	(3)	(ii)			Submitted a completed application for any required state or agency permit or permit modification; or	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
533	(e)	(3)	(iii)			Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the closure of a CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
534	(e)	(4)				The timeframes specified in paragraphs (e)(1) and (2) of this section do not apply to any of the following owners or operators:	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
535	(e)	(4)	(ii)			An owner or operator of an existing unlined CCR surface impoundment closing the CCR unit as required by § 257.101(a);	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
536	(e)	(4)	(iii)			An owner or operator of an existing CCR surface impoundment closing the CCR unit as required by § 257.101(b);	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
537	(e)	(4)	(iv)			An owner or operator of a new CCR surface impoundment closing the CCR unit as required by § 257.101(c); or	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
538	(f)					An owner or operator of an existing CCR landfill closing the CCR unit as required by § 257.101(d). (f) Completion of closure activities.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
539	(f)	(1)	(i)			<i>Except as provided for in paragraph (f)(2) of this section, the owner or operator must complete closure of the CCR unit:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						For existing and new CCR landfills and any lateral expansion of a CCR landfill, within six months of commencing closure activities.			
540	(f)	(1)	(ii)			For existing and new CCR surface impoundments and any lateral expansion of a CCR surface impoundment, within five years of commencing closure activities.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
541	(f)	(2)	(i)			The timeframes for completing closure of a CCR unit specified under paragraphs (f)(1) of this section may be extended if the owner or operator can demonstrate that it was not feasible to complete closure of the CCR unit within the required timeframes due to factors beyond the facility's control. If the owner or operator is seeking a time extension beyond the time specified in the written closure plan as required by paragraph (b)(1) of this section, the demonstration must include a narrative discussion providing the basis for additional time beyond that specified in the closure plan. The owner or operator must place each completed demonstration, if more than one time extension is sought, in the facility's operating record as required by § 257.105(i)(6) prior to the end of any two-year period.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
542	(f)	(2)	(i)	(A)		<i>Factors that may support such a demonstration include:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						Complications stemming from the climate and weather, such as unusual amounts of precipitation or a significantly shortened construction season;			
543	(f)	(2)	(i)	(B)		Time required to dewater a surface impoundment due to the volume of CCR contained in the CCR unit or the characteristics of the CCR in the unit;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
544	(f)	(2)	(i)	(C)		The geology and terrain surrounding the CCR unit will affect the amount of material needed to close the CCR unit; or	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
545	(f)	(2)	(i)	(D)		Time required or delays caused by the need to coordinate with and obtain necessary approvals and permits from a state or other agency.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
546	(f)	(2)	(ii)	(A)		CCR surface impoundments of 40 acres or smaller may extend the time to complete closure by no longer than two years.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
547	(f)	(2)	(ii)	(B)		CCR surface impoundments larger than 40 acres may extend the timeframe to complete closure of the CCR unit multiple times, in two-year increments. For each two-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of five two-year extensions may be obtained for any CCR surface impoundment.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
548	(f)	(2)	(ii)	(C)		CCR landfills may extend the timeframe to complete closure of the CCR unit multiple times, in one-year increments. For each one-year extension sought, the owner or operator must substantiate the factual circumstances demonstrating the need for the extension. No more than a total of two one-year extensions may be obtained for any CCR landfill.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
549	(f)	(2)	(iii)			<i>In order to obtain additional time extension(s) to complete closure of a CCR unit beyond the times provided by paragraph (f)(1) of this section, the owner or operator of the CCR unit must include with the demonstration required by paragraph (f)(2)(i) of this section the following statement signed by the owner or operator or an authorized representative:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
550	(f)	(3)				Upon completion, the owner or operator of the CCR unit must obtain a certification from a qualified professional engineer verifying that closure has been completed in accordance with the closure plan specified in paragraph (b) of this section and the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
551	(g)					No later than the date the owner or operator initiates closure of a CCR unit, the owner or operator must prepare a notification of intent to close a CCR unit. The notification must include the certification by a qualified professional engineer for the design of the final cover system as required by § 257.102(d)(3)(iii), if applicable. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
552	(h)					Within 30 days of completion of closure of the CCR unit, the owner or operator must prepare a notification of closure of a CCR unit. The notification must include the certification by a qualified professional engineer as required by § 257.102(f)(3). The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
553	(i)	(1)				Except as provided by paragraph (i)(4) of this section, following closure of a CCR unit, the owner or operator must record a notation on the deed to the property, or some other instrument that is normally examined during title search.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
554	(i)	(2)	(i)			<i>The notation on the deed must in perpetuity notify any potential purchaser of the property that:</i>			
						The land has been used as a CCR unit; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
555	(i)	(2)	(ii)			Its use is restricted under the postclosure care requirements as provided by § 257.104(d)(1)(iii).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
556	(i)	(3)				Within 30 days of recording a notation on the deed to the property, the owner or operator must prepare a notification stating that the notation has been recorded. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
557	(i)	(4)				An owner or operator that closes a CCR unit in accordance with paragraph (c) of this section is not subject to the requirements of paragraphs (i)(1) through (3) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
558	(j)					The owner or operator of the CCR unit must comply with the closure recordkeeping requirements specified in § 257.105(i), the closure notification requirements specified in § 257.106(i), and the closure Internet requirements specified in § 257.107(i).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
559	(k)	(1)	(i)			<i>To retrofit an existing CCR surface impoundment, the owner or operator must:</i>			
						First remove all CCR, including any contaminated soils and sediments from the CCR unit; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
560	(k)	(1)	(ii)			Comply with the requirements in § 257.72.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
561	(k)	(1)	(iii)			A CCR surface impoundment undergoing a retrofit remains subject to all other requirements of this subpart, including the requirement to conduct any necessary corrective action.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
562	(k)	(2)	(i)			The owner or operator must prepare a written retrofit plan that describes the steps necessary to retrofit the CCR unit consistent with recognized and generally accepted good engineering practices.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
563	(k)	(2)	(i)	(A)		<i>The written retrofit plan must include, at a minimum, all of the following information:</i>			
						A narrative description of the specific measures that will be taken to retrofit the CCR unit in accordance with this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
564	(k)	(2)	(i)	(B)		A description of the procedures to remove all CCR and contaminated soils and sediments from the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
565	(k)	(2)	(i)	(C)		An estimate of the maximum amount of CCR that will be removed as part of the retrofit operation.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
566	(k)	(2)	(i)	(D)		An estimate of the largest area of the CCR unit that will be affected by the retrofit operation.			
567	(k)	(2)	(i)	(E)		A schedule for completing all activities necessary to satisfy the retrofit criteria in this section, including an estimate of the year in which retrofit activities of the CCR unit will be completed.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
568	(k)	(2)	(ii)	(A)		Timeframes for preparing the initial written retrofit plan. No later than 60 days prior to date of initiating retrofit activities, the owner or operator must prepare an initial written retrofit plan consistent with the requirements specified in paragraph (k)(2) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
569	(k)	(2)	(ii)	(A)	(1)	<i>For purposes of this subpart, initiation of retrofit activities has commenced if the owner or operator has ceased placing waste in the unit and completes any of the following actions or activities:</i>			
						Taken any steps necessary to implement the written retrofit plan;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
570	(k)	(2)	(ii)	(A)	(2)	Submitted a completed application for any required state or agency permit or permit modification; or	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
571	(k)	(2)	(ii)	(A)	(3)	Taken any steps necessary to comply with any state or other agency standards that are a prerequisite, or are otherwise applicable, to initiating or completing the retrofit of a CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
572	(k)	(2)	(ii)	(B)		The owner or operator has completed the written retrofit plan when the plan, including the certification required by paragraph (k)(2)(iv) of this section, has been placed in the facility's operating record as required by § 257.105(j)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
573	(k)	(2)	(iii)	(A)		The owner or operator may amend the initial or any subsequent written retrofit plan at any time.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
574	(k)	(2)	(iii)	(B)	(1)	<i>The owner or operator must amend the written retrofit plan whenever:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						There is a change in the operation of the CCR unit that would substantially affect the written retrofit plan in effect; or			
575	(k)	(2)	(iii)	(B)	(2)	Before or after retrofit activities have commenced, unanticipated events necessitate a revision of the written retrofit plan.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
576	(k)	(2)	(iii)	(C)		The owner or operator must amend the retrofit plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the revision of an existing written retrofit plan. If a written retrofit plan is revised after retrofit activities have commenced for a CCR unit, the owner or operator must amend the current retrofit plan no later than 30 days following the triggering event.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
577	(k)	(2)	(iv)			The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the activities outlined in the written retrofit plan, including any amendment of the plan, meet the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
578	(k)	(3)				Deadline for completion of activities related to the retrofit of a CCR unit. Any CCR surface impoundment that is being retrofitted must complete all retrofit activities within the same time frames and procedures specified for the closure of a CCR surface impoundment in § 257.102(f) or, where applicable, § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
579	(k)	(4)				Upon completion, the owner or operator must obtain a certification from a qualified professional engineer verifying that the retrofit activities have been completed in accordance with the retrofit plan specified in paragraph (k)(2) of this section and the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
580	(k)	(5)				No later than the date the owner or operator initiates the retrofit of a CCR unit, the owner or operator must prepare a notification of intent to retrofit a CCR unit. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
581	(k)	(6)				Within 30 days of completing the retrofit activities specified in paragraph (k)(1) of this section, the owner or operator must prepare a notification of completion of retrofit activities. The notification must include the certification by a qualified professional engineer as required by paragraph (k)(4) of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(j)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
582	(k)	(7)				At any time after the initiation of a CCR unit retrofit, the owner or operator may cease the retrofit and initiate closure of the CCR unit in accordance with the requirements of § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
583	(k)	(8)				The owner or operator of the CCR unit must comply with the retrofit recordkeeping requirements specified in § 257.105(j), the retrofit notification requirements specified in § 257.106(j), and the retrofit Internet requirements specified in § 257.107(j).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
584	§ 257.103 Alternative Closure Requirements								
585	<i>The owner or operator of the CCR unit must meet either requirement (a) and all its components or (b) and all its components, in addition to requirements (c) through (d).</i>								
586	(a)	(1)				The owner or operator of a CCR landfill, CCR surface impoundment, or any lateral expansion of a CCR unit that is subject to closure pursuant to § 257.101(a), (b)(1), or (d) may continue to receive CCR in the unit provided the owner or operator meets the requirements of either paragraph (a) or (b) of this section. Notwithstanding the provisions of § 257.101(a), (b)(1), or (d), a CCR unit may continue to receive CCR if the owner or operator of the CCR unit certifies that the CCR must continue to be managed in that CCR unit due to the absence of alternative disposal capacity both on-site and off-site of the facility.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
587	(a)	(1)	(i)			<i>To qualify under this paragraph (a)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section;			
588	(a)	(1)	(ii)			The owner or operator has made, and continues to make, efforts to obtain additional capacity. Qualification under this subsection lasts only as long as no alternative capacity is available. Once alternative capacity is identified, the owner or operator must arrange to use such capacity as soon as feasible;	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
589	(a)	(1)	(iii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
590	(a)	(1)	(iv)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the development of alternative CCR disposal capacity.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
591	(a)	(2)				Once alternative capacity is available, the CCR unit must cease receiving CCR and initiate closure following the timeframes in § 257.102(e) and (f).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
592	(a)	(3)				If no alternative capacity is identified within five years after the initial certification, the CCR unit must cease receiving CCR and close in accordance with the timeframes in § 257.102(e) and (f).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
593	(b)	(1)				Notwithstanding the provisions of § 257.101(a), (b)(1), and (d), a CCR unit may continue to receive CCR if the owner or operator certifies that the facility will cease operation of the coal-fired boilers within the timeframes specified in paragraphs (b)(2) through (4) of this section, but in the interim period (prior to closure of the coal-fired boiler), the facility must continue to use the CCR unit due to the absence of alternative disposal capacity both onsite and off-site of the facility.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
594	(b)	(1)	(i)			<i>To qualify under this paragraph (b)(1), the owner or operator of the CCR unit must document that all of the following conditions have been met:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						No alternative disposal capacity is available on-site or off-site. An increase in costs or the inconvenience of existing capacity is not sufficient to support qualification under this section.			
595	(b)	(1)	(ii)			The owner or operator must remain in compliance with all other requirements of this subpart, including the requirement to conduct any necessary corrective action; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
596	(b)	(1)	(iii)			The owner or operator must prepare an annual progress report documenting the continued lack of alternative capacity and the progress towards the closure of the coal-fired boiler.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
597	(b)	(2)				For a CCR surface impoundment that is 40 acres or smaller, the coal-fired boiler must cease operation and the CCR surface impoundment must have completed closure no later than October 17, 2023.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
598	(b)	(3)				For a CCR surface impoundment that is larger than 40 acres, the coal-fired boiler must cease operation, and the CCR surface impoundment must complete closure no later than October 17, 2028.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
599	(b)	(4)				For a CCR landfill, the coal-fired boiler must cease operation, and the CCR landfill must complete closure no later than April 19, 2021.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
600	(c)	(1)				Required notices and progress reports. An owner or operator of a CCR unit that closes in accordance with paragraphs (a) or (b) of this section must complete the notices and progress reports specified in paragraphs (c)(1) through (3) of this section. Within six months of becoming subject to closure pursuant to § 257.101(a), (b)(1), or (d), the owner or operator must prepare and place in the facility's operating record a notification of intent to comply with the alternative closure requirements of this section. The notification must describe why the CCR unit qualifies for the alternative closure provisions under either paragraph (a) or (b) of this section, in addition to providing the documentation and certifications required by paragraph (a) or (b) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
601	(c)	(2)				The owner or operator must prepare the periodic progress reports required by paragraphs (a)(1)(iv) or (b)(1)(iii), in addition to describing any problems encountered and a description of the actions taken to resolve the problems.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
602	(c)	(2)	(i)			<i>The annual progress reports must be completed according to the following schedule:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
						The first annual progress report must be prepared no later than 13 months after completing the notification of intent to comply with the alternative closure requirements required by paragraph (c)(1) of this section.			
603	(c)	(2)	(ii)			The second annual progress report must be prepared no later than 12 months after completing the first annual progress report. Additional annual progress reports must be prepared within 12 months of completing the previous annual progress report.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
604	(c)	(2)	(iii)			The owner or operator has completed the progress reports specified in paragraph (c)(2) of this section when the reports are placed in the facility's operating record as required by § 257.105(i)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
605	(c)	(3)				An owner or operator of a CCR unit must also prepare the notification of intent to close a CCR unit as required by § 257.102(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
606	(d)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(b)		
							Rule 391-3-4-.10(7)(c) The owner or operator must close the CCR unit in accordance with the written closure plan.		
							Rule 391-3-4-.10(7)(d) A notice of intent to close must be provided to the Director after receipt of the final load of waste.		
							Rule 391-3-4-.10(7)(e) Upon completion of closure activities, a professional engineer registered in Georgia shall prepare and submit a closure report to the Director. The closure report must be completed on forms provided by the Division. If the Director concurs with the closure report, closure will be deemed complete and the facility may begin the post-closure care period.		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
							Rule 391-3-4-.10(7)(f) Concurrent with the submission of this closure report to the Director, the owner or operator must submit confirmation to the Director that a notation on the property deed has been recorded. This recording must in perpetuity notify any potential purchaser of the property that the land has been used as a CCR unit and that its use is restricted under the post closure care requirements of this Rule.		
607	§ 257.104 Post-Closure Care Requirements								
608	The owner or operator of the CCR unit must meet all the requirements (a) through (f) and all their components.								
609	(a)	(1)				Except as provided by paragraph (a)(2) of this section, §257.104 applies to the owners or operators of CCR landfills, CCR surface impoundments, and all lateral expansions of CCR units that are subject to the closure criteria under §257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
610	(a)	(2)				An owner or operator of a CCR unit that elects to close a CCR unit by removing CCR as provided by § 257.102(c) is not subject to the postclosure care criteria under this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
611	(b)	(1)				Following closure of the CCR unit, the owner or operator must conduct post-closure care for the CCR unit, which must consist of at least the following:	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
						Maintaining the integrity and effectiveness of the final cover system, including making repairs to the final cover as necessary to correct the effects of settlement, subsidence, erosion, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover;			
612	(b)	(2)				If the CCR unit is subject to the design criteria under § 257.70, maintaining the integrity and effectiveness of the leachate collection and removal system and operating the leachate collection and removal system in accordance with the requirements of § 257.70; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
613	(b)	(3)				Maintaining the groundwater monitoring system and monitoring the groundwater in accordance with the requirements of §§ 257.90 through 257.98.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
614	(c)	(1)				Except as provided by paragraph (c)(2) of this section, the owner or operator of the CCR unit must conduct post-closure care for 30 years.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
615	(c)	(2)				If at the end of the post-closure care period the owner or operator of the CCR unit is operating under assessment monitoring in accordance with § 257.95, the owner or operator must continue to conduct post-closure care until the owner or operator returns to detection monitoring in accordance with § 257.95.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
616	(d)	(1)	(i)			The owner or operator of a CCR unit must prepare a written post-closure plan that includes, at a minimum, the information specified in paragraphs (d)(1)(i) through (iii) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
						A description of the monitoring and maintenance activities required in paragraph (b) of this section for the CCR unit, and the frequency at which these activities will be performed;			
617	(d)	(1)	(ii)			The name, address, telephone number, and email address of the person or office to contact about the facility during the post-closure care period; and	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
618	(d)	(1)	(iii)			Post-closure use of the property shall not disturb the integrity of the final cover, liner(s), or any other component of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in this subpart. Any other disturbance is allowed if the owner or operator of the CCR unit demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of CCR, will not increase the potential threat to human health or the environment. The demonstration must be certified by a qualified professional engineer, and notification shall be provided to the State Director that the demonstration has been placed in the operating record and on the owners or operator's publicly accessible Internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
619	(d)	(2)	(i)			The owner or operator of an existing CCR landfill and existing CCR surface impoundment must prepare an initial written post-closure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than October 17, 2016.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
620	(d)	(2)	(ii)			The owner or operator of a new CCR landfill, new CCR surface impoundment, and any lateral expansion of a CCR unit must prepare an initial written postclosure plan consistent with the requirements specified in paragraph (d)(1) of this section no later than the date of the initial receipt of CCR in the CCR unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
621	(d)	(2)	(iii)			The owner or operator has completed the written post-closure plan when the plan, including the certification required by paragraph (d)(4) of this section, has been placed in the facility's operating record as required by § 257.105(i)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
622	(d)	(3)	(i)			The owner or operator may amend the initial or any subsequent written post-closure plan developed pursuant to paragraph (d)(1) of this section at any time.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
623	(d)	(3)	(ii)	(A)		<i>The owner or operator must amend the written closure plan whenever:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
						There is a change in the operation of the CCR unit that would substantially affect the written post-closure plan in effect; or			
624	(d)	(3)	(ii)	(B)		After post-closure activities have commenced, unanticipated events necessitate a revision of the written post-closure plan.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
625	(d)	(3)	(iii)			The owner or operator must amend the written post-closure plan at least 60 days prior to a planned change in the operation of the facility or CCR unit, or no later than 60 days after an unanticipated event requires the need to revise an existing written post-closure plan. If a written post-closure plan is revised after post-closure activities have commenced for a CCR unit, the owner or operator must amend the written post-closure plan no later than 30 days following the triggering event.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
626	(d)	(4)				The owner or operator of the CCR unit must obtain a written certification from a qualified professional engineer that the initial and any amendment of the written post-closure plan meets the requirements of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
627	(e)					Notification of completion of postclosure care period. No later than 60 days following the completion of the post-closure care period, the owner or operator of the CCR unit must prepare a notification verifying that post-closure care has been completed. The notification must include the certification by a qualified professional engineer verifying that post-closure care has been completed in accordance with the closure plan specified in paragraph (d) of this section and the requirements of this section. The owner or operator has completed the notification when it has been placed in the facility's operating record as required by § 257.105(i)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
628	(f)					The owner or operator of the CCR unit must comply with the recordkeeping requirements specified in § 257.105(i), the notification requirements specified in § 257.106(i), and the Internet requirements specified in § 257.107(i).	Incorporated and adopted by reference. Rule 391-3-4-.10(7)(g)		
							Rule 391-3-4-.10(7)(g): Post-Closure care for existing, new, and lateral expansions of CCR units shall be conducted in accordance with 40 CFR 257.104 with the following exception and additions: 1. An owner or operator of an inactive surface impoundment that elects to close a CCR unit pursuant to the requirements under 40 CFR 257.100(b) is subject to the post- closure care criteria in 40 CFR 257.104. 2. CCR units must comply with the conditions of the solid waste handling permit. 3. The release of CCR units from post-closure care must be approved by the Division.		
629	§ 257.105 Recordkeeping Requirements								
630	<i>The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.</i>								
631	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain files of all information required by this section in a written operating record at their facility.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
632	(b)					Unless specified otherwise, each file must be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, record, or study.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
633	(c)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section in one recordkeeping system provided the system identifies each file by the name of each CCR unit. The files may be maintained on microfilm, on a computer, on computer disks, on a storage system accessible by a computer, on magnetic tape disks, or on microfiche.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
634	(d)					The owner or operator of a CCR unit must submit to the State Director and/or appropriate Tribal authority any demonstration or documentation required by this subpart, if requested, when such information is not otherwise available on the owner or operator's publicly accessible Internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
635	(e)					The owner or operator of a CCR unit subject to this subpart must place the demonstrations documenting whether or not the CCR unit is in compliance with the requirements under §§ 257.60(a), 257.61(a), 257.62(a), 257.63(a), and 257.64(a), as it becomes available, in the facility's operating record.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
636	(f)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following the facility's operating record:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The design and construction certifications as required by § 257.70(e) and (f).			
637	(f)	(2)				The documentation of liner type as required by § 257.71(a).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
638	(f)	(3)				The design and construction certifications as required by § 257.72(c) and (d).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
639	(f)	(4)				Documentation prepared by the owner or operator stating that the permanent identification marker was installed as required by §§ 257.73(a)(1) and 257.74(a)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
640	(f)	(5)				The initial and periodic hazard potential classification assessments as required by §§ 257.73(a)(2) and 257.74(a)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
641	(f)	(6)				The emergency action plan (EAP), and any amendment of the EAP, as required by §§ 257.73(a)(3) and 257.74(a)(3), except that only the most recent EAP must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
642	(f)	(7)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders as required by §§ 257.73(a)(3)(i)(E) and 257.74(a)(3)(i)(E).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
643	(f)	(8)				Documentation prepared by the owner or operator recording all activations of the emergency action plan as required by §§ 257.73(a)(3)(v) and 257.74(a)(3)(v).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
644	(f)	(9)				The history of construction, and any revisions of it, as required by § 257.73(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
645	(f)	(10)				The initial and periodic structural stability assessments as required by §§ 257.73(d) and 257.74(d).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
646	(f)	(11)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.73(d)(2) and 257.74(d)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
647	(f)	(12)				The initial and periodic safety factor assessments as required by §§ 257.73(e) and 257.74(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
648	(f)	(13)				The design and construction plans, and any revisions of it, as required by § 257.74(c), except that these files must be maintained until the CCR unit completes closure of the unit in accordance with § 257.102.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
649	(g)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The CCR fugitive dust control plan, and any subsequent amendment of the plan, required by § 257.80(b), except that only the most recent control plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
650	(g)	(2)				The annual CCR fugitive dust control report required by § 257.80(c).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
651	(g)	(3)				The initial and periodic run-on and run-off control system plans as required by § 257.81(c).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
652	(g)	(4)				The initial and periodic inflow design flood control system plan as required by § 257.82(c).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
653	(g)	(5)				Documentation recording the results of each inspection and instrumentation monitoring by a qualified person as required by § 257.83(a).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
654	(g)	(6)				The periodic inspection report as required by § 257.83(b)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
655	(g)	(7)				Documentation detailing the corrective measures taken to remedy the deficiency or release as required by §§ 257.83(b)(5) and 257.84(b)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
656	(g)	(8)				Documentation recording the results of the weekly inspection by a qualified person as required by § 257.84(a).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
657	(g)	(9)				The periodic inspection report as required by § 257.84(b)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
658	(h)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The annual groundwater monitoring and corrective action report as required by § 257.90(e).			
659	(h)	(2)				Documentation of the design, installation, development, and decommissioning of any monitoring wells, piezometers and other measurement, sampling, and analytical devices as required by § 257.91(e)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
660	(h)	(3)				The groundwater monitoring system certification as required by § 257.91(f).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
661	(h)	(4)				The selection of a statistical method certification as required by § 257.93(f)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
662	(h)	(5)				Within 30 days of establishing an assessment monitoring program, the notification as required by § 257.94(e)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
663	(h)	(6)				The results of appendices III and IV to this part constituent concentrations as required by § 257.95(d)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
664	(h)	(7)				Within 30 days of returning to a detection monitoring program, the notification as required by § 257.95(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
665	(h)	(8)				Within 30 days of detecting one or more constituents in appendix IV to this part at statistically significant levels above the groundwater protection standard, the notifications as required by § 257.95(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
666	(h)	(9)				Within 30 days of initiating the assessment of corrective measures requirements, the notification as required by § 257.95(g)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
667	(h)	(10)				The completed assessment of corrective measures as required by § 257.96(d).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
668	(h)	(11)				Documentation prepared by the owner or operator recording the public meeting for the corrective measures assessment as required by § 257.96(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
669	(h)	(12)				The semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report as required by § 257.97(a), except that the selection of remedy report must be maintained until the remedy has been completed.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
670	(h)	(13)				Within 30 days of completing the remedy, the notification as required by § 257.98(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
671	(i)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The notification of intent to initiate closure of the CCR unit as required by § 257.100(c)(1).			
672	(i)	(2)				The annual progress reports of closure implementation as required by § 257.100(c)(2)(i) and (ii).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
673	(i)	(3)				The notification of closure completion as required by § 257.100(c)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
674	(i)	(4)				The written closure plan, and any amendment of the plan, as required by § 257.102(b), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
675	(i)	(5)				The written demonstration(s), including the certification required by § 257.102(e)(2)(iii), for a time extension for initiating closure as required by § 257.102(e)(2)(ii).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
676	(i)	(6)				The written demonstration(s), including the certification required by § 257.102(f)(2)(iii), for a time extension for completing closure as required by § 257.102(f)(2)(i).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
677	(i)	(7)				The notification of intent to close a CCR unit as required by § 257.102(g).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
678	(i)	(8)				The notification of completion of closure of a CCR unit as required by § 257.102(h).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
679	(i)	(9)				The notification recording a notation on the deed as required by § 257.102(i).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
680	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.103(c)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
681	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.103(c)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
682	(i)	(12)				The written post-closure plan, and any amendment of the plan, as required by § 257.104(d), except that only the most recent closure plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
683	(i)	(13)				The notification of completion of post-closure care period as required by § 257.104(e).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
684	(j)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information, as it becomes available, in the facility's operating record:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The written retrofit plan, and any amendment of the plan, as required by § 257.102(k)(2), except that only the most recent retrofit plan must be maintained in the facility's operating record irrespective of the time requirement specified in paragraph (b) of this section.			
685	(j)	(2)				The notification of intent that the retrofit activities will proceed in accordance with the alternative procedures in § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
686	(j)	(3)				The annual progress reports required under the alternative requirements as required by § 257.103.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
687	(j)	(4)				The written demonstration(s), including the certification in § 257.102(f)(2)(iii), for a time extension for completing retrofit activities as required by § 257.102(k)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
688	(j)	(5)				The notification of intent to initiate retrofit of a CCR unit as required by § 257.102(k)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
689	(j)	(6)				The notification of completion of retrofit activities as required by § 257.102(k)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
690	§ 257.106 Notification Requirements								
691	<i>The owner or operator of the CCR unit must meet all the requirements (a) through (j) and all their components.</i>								
692	(a)					The notifications required under paragraphs (e) through (i) of this section must be sent to the relevant State Director and/or appropriate Tribal authority before the close of business on the day the notification is required to be completed. For purposes of this section, before the close of business means the notification must be postmarked or sent by electronic mail (email). If a notification deadline falls on a weekend or federal holiday, the notification deadline is automatically extended to the next business day.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
693	(b)					If any CCR unit is located in its entirety within Indian Country, the notifications of this section must be sent to the appropriate Tribal authority. If any CCR unit is located in part within Indian Country, the notifications of this section must be sent both to the appropriate State Director and Tribal authority.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
694	(c)					Notifications may be combined as long as the deadline requirement for each notification is met.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
695	(d)					Unless otherwise required in this section, the notifications specified in this section must be sent to the State Director and/or appropriate Tribal authority within 30 days of placing in the operating record the information required by § 257.105.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
696	(e)					Location restrictions. The owner or operator of a CCR unit subject to the requirements of this subpart must notify the State Director and/or appropriate Tribal authority that each demonstration specified under § 257.105(e) has been placed in the operating record and on the owner or operator’s publicly accessible internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
697	(f)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator’s publicly accessible internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
698	(f)	(1)				<i>The owner or operator must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						Within 60 days of commencing construction of a new CCR unit, provide notification of the availability of the design certification specified under § 257.105(f)(1) or (3). If the owner or operator of the CCR unit elects to install an alternative composite liner, the owner or operator must also submit to the State Director and/or appropriate Tribal authority a copy of the alternative composite liner design.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
699	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, provide notification of the availability of the construction certification specified under § 257.105(f)(1) or (3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
700	(f)	(3)				Provide notification of the availability of the documentation of liner type specified under § 257.105(f)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
701	(f)	(4)				Provide notification of the availability of the initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
702	(f)	(5)				Provide notification of the availability of emergency action plan (EAP), and any revisions of the EAP, specified under § 257.105(f)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
703	(f)	(6)				Provide notification of the availability of documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
704	(f)	(7)				Provide notification of documentation prepared by the owner or operator recording all activations of the emergency action plan specified under § 257.105(f)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
705	(f)	(8)				Provide notification of the availability of the history of construction, and any revision of it, specified under § 257.105(f)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
706	(f)	(9)				Provide notification of the availability of the initial and periodic structural stability assessments specified under § 257.105(f)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
707	(f)	(10)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(f)(11).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
708	(f)	(11)				Provide notification of the availability of the initial and periodic safety factor assessments specified under § 257.105(f)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
709	(f)	(12)				Provide notification of the availability of the design and construction plans, and any revision of them, specified under § 257.105(f)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
710	(g)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator’s publicly accessible internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
711	(g)	(1)				<i>The owner or operator must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						Provide notification of the availability of the CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1).			
712	(g)	(2)				Provide notification of the availability of the annual CCR fugitive dust control report specified under § 257.105(g)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
713	(g)	(3)				Provide notification of the availability of the initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
714	(g)	(4)				Provide notification of the availability of the initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
715	(g)	(5)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
716	(g)	(6)				Provide notification of the availability of the documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
717	(g)	(7)				Provide notification of the availability of the periodic inspection reports specified under § 257.105(g)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
718	(h)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator’s publicly accessible internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
719	(h)	(1)				<i>The owner or operator must:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						Provide notification of the availability of the annual groundwater specified under § 257.105(h)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements									
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
720	(h)	(2)				Provide notification of the availability of the groundwater monitoring system certification specified under § 257.105(h)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
721	(h)	(3)				Provide notification of the availability of the selection of a statistical method certification specified under § 257.105(h)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
722	(h)	(4)				Provide notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
723	(h)	(5)				Provide notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
724	(h)	(6)				Provide notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
725	(h)	(7)				Provide notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
726	(h)	(8)				Provide notification of the availability of assessment of corrective measures specified under § 257.105(h)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
727	(h)	(9)				Provide notification of the availability of the semiannual report describing the progress in selecting and designing the remedy and the selection of remedy report specified under § 257.105(h)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
728	(h)	(10)				Provide notification of the completion of the remedy specified under § 257.105(h)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
729	(i)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator’s publicly accessible Internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
730	(i)	(1)				<i>The owner or operator must:</i> Provide notification of the intent to initiate closure of the CCR unit specified under § 257.105(i)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
731	(i)	(2)				Provide notification of the availability of the annual progress reports of closure implementation specified under § 257.105(i)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
732	(i)	(3)				Provide notification of closure completion specified under § 257.105(i)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
733	(i)	(4)				Provide notification of the availability of the written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
734	(i)	(5)				Provide notification of the availability of the demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
735	(i)	(6)				Provide notification of the availability of the demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).			
736	(i)	(7)				Provide notification of intent to close a CCR unit specified under § 257.105(i)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
737	(i)	(8)				Provide notification of completion of closure of a CCR unit specified under § 257.105(i)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
738	(i)	(9)				Provide notification of the deed notation as required by § 257.105(i)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
739	(i)	(10)				Provide notification of intent to comply with the alternative closure requirements specified under § 257.105(i)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
740	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
741	(i)	(12)				Provide notification of the availability of the written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
742	(i)	(13)				Provide notification of completion of post-closure care specified under § 257.105(i)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
743	(j)					The owner or operator of a CCR unit subject to this subpart must notify the State Director and/or appropriate Tribal authority when information has been placed in the operating record and on the owner or operator’s publicly accessible Internet site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
744	(j)	(1)				<i>The owner or operator must:</i> Provide notification of the availability of the written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a) Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
745	(j)	(2)				Provide notification of intent to comply with the alternative retrofit requirements specified under § 257.105(j)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
746	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
747	(j)	(4)				Provide notification of the availability of the demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
748	(j)	(5)				Provide notification of intent to initiate retrofit of a CCR unit specified under § 257.105(j)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
749	(j)	(6)				Provide notification of completion of retrofit activities specified under § 257.105(j)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
750	§ 257.107 Publicly Accessible Internet Site Requirements								
751	The owner of operator of the CCR unit must meet all the requirements (a) through (j) and all their components.								

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
752	(a)					Each owner or operator of a CCR unit subject to the requirements of this subpart must maintain a publicly accessible Internet site (CCR Web site) containing the information specified in this section. The owner or operator's Web site must be titled "CCR Rule Compliance Data and Information."	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
753	(b)					An owner or operator of more than one CCR unit subject to the provisions of this subpart may comply with the requirements of this section by using the same Internet site for multiple CCR units provided the CCR Web site clearly delineates information by the name or identification number of each unit.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
754	(c)					Unless otherwise required in this section, the information required to be posted to the CCR Web site must be made available to the public for at least five years following the date on which the information was first posted to the CCR Web site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
755	(d)					Unless otherwise required in this section, the information must be posted to the CCR Web site within 30 days of placing the pertinent information required by § 257.105 in the operating record.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
756	(e)					Location restrictions. The owner or operator of a CCR unit subject to this subpart must place each demonstration specified under § 257.105(e) on the owner or operator's CCR Web site.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
757	(f)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						Within 60 days of commencing construction of a new unit, the design certification specified under § 257.105(f)(1) or (3).			
758	(f)	(2)				No later than the date of initial receipt of CCR by a new CCR unit, the construction certification specified under § 257.105(f)(1) or (3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
759	(f)	(3)				The documentation of liner type specified under § 257.105(f)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
760	(f)	(4)				The initial and periodic hazard potential classification assessments specified under § 257.105(f)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
761	(f)	(5)				The emergency action plan (EAP) specified under § 257.105(f)(6), except that only the most recent EAP must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
762	(f)	(6)				Documentation prepared by the owner or operator recording the annual face-to-face meeting or exercise between representatives of the owner or operator of the CCR unit and the local emergency responders specified under § 257.105(f)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
763	(f)	(7)				Documentation prepared by the owner or operator recording any activation of the emergency action plan specified under § 257.105(f)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
764	(f)	(8)				The history of construction, and any revisions of it, specified under § 257.105(f)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
765	(f)	(9)				The initial and periodic structural stability assessments specified under § 257.105(f)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
766	(f)	(10)				The documentation detailing the corrective measures taken to remedy the § 257.105(f)(11).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
767	(f)	(11)				The initial and periodic safety factor assessments specified under § 257.105(f)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
768	(f)	(12)				The design and construction plans, and any revisions of them, specified under § 257.105(f)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
769	(g)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The CCR fugitive dust control plan, or any subsequent amendment of the plan, specified under § 257.105(g)(1) except that only the most recent plan must be maintained on the CCR Web site irrespective of the time requirement specified in paragraph (c) of this section.			
770	(g)	(2)				The annual CCR fugitive dust control report specified under § 257.105(g)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
771	(g)	(3)				The initial and periodic run-on and run-off control system plans specified under § 257.105(g)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
772	(g)	(4)				The initial and periodic inflow design flood control system plans specified under § 257.105(g)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
773	(g)	(5)				The periodic inspection reports specified under § 257.105(g)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
774	(g)	(6)				The documentation detailing the corrective measures taken to remedy the deficiency or release specified under § 257.105(g)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
775	(g)	(7)				The periodic inspection reports specified under § 257.105(g)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
776	(h)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The annual groundwater monitoring and corrective action report specified under § 257.105(h)(1).			
777	(h)	(2)				The groundwater monitoring system certification specified under § 257.105(h)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
778	(h)	(3)				The selection of a statistical method certification specified under § 257.105(h)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
779	(h)	(4)				The notification that an assessment monitoring programs has been established specified under § 257.105(h)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
780	(h)	(5)				The notification that the CCR unit is returning to a detection monitoring program specified under § 257.105(h)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		

						CCR Landfill, CCR Surface Impoundments, & Lateral Expansions Requirements			
Row #	Paragraph	Ref.	Ref.	Ref.	Ref.	Federal Requirement	State Requirement	CCR surface impoundments	
								Existing	New & Lateral Expansions
781	(h)	(6)				The notification that one or more constituents in appendix IV to this part have been detected at statistically significant levels above the groundwater protection standard and the notifications to land owners specified under § 257.105(h)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
782	(h)	(7)				The notification that an assessment of corrective measures has been initiated specified under § 257.105(h)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
783	(h)	(8)				The assessment of corrective measures specified under § 257.105(h)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
784	(h)	(9)				The semiannual reports describing the progress in selecting and designing remedy and the selection of remedy report specified under § 257.105(h)(12), except that the selection of the remedy report must be maintained until the remedy has been completed.	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
785	(h)	(10)				The notification that the remedy has been completed specified under § 257.105(h)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
786	(i)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The notification of intent to initiate closure of the CCR unit specified under § 257.105(i)(1).			
787	(i)	(2)				The annual progress reports of closure implementation specified under § 257.105(i)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
788	(i)	(3)				The notification of closure completion specified under § 257.105(i)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
789	(i)	(4)				The written closure plan, and any amendment of the plan, specified under § 257.105(i)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
790	(i)	(5)				The demonstration(s) for a time extension for initiating closure specified under § 257.105(i)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
791	(i)	(6)				The demonstration(s) for a time extension for completing closure specified under § 257.105(i)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
792	(i)	(7)				The notification of intent to close a CCR unit specified under § 257.105(i)(7).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
793	(i)	(8)				The notification of completion of closure of a CCR unit specified under § 257.105(i)(8).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
794	(i)	(9)				The notification recording a notation on the deed as required by § 257.105(i)(9).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
795	(i)	(10)				The notification of intent to comply with the alternative closure requirements as required by § 257.105(i)(10).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
796	(i)	(11)				The annual progress reports under the alternative closure requirements as required by § 257.105(i)(11).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
797	(i)	(12)				The written post-closure plan, and any amendment of the plan, specified under § 257.105(i)(12).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
798	(i)	(13)				The notification of completion of post-closure care specified under § 257.105(i)(13).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
799	(j)	(1)				<i>The owner or operator of a CCR unit subject to this subpart must place the following information on the owner or operator's CCR Web site:</i>	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
						The written retrofit plan, and any amendment of the plan, specified under § 257.105(j)(1).			
800	(j)	(2)				The notification of intent to comply with the alternative retrofit requirements as required by § 257.105(j)(2).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
801	(j)	(3)				The annual progress reports under the alternative retrofit requirements as required by § 257.105(j)(3).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
802	(j)	(4)				The demonstration(s) for a time extension for completing retrofit activities specified under § 257.105(j)(4).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
803	(j)	(5)				The notification of intent to retrofit a CCR unit specified under § 257.105(j)(5).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		
804	(j)	(6)				The notification of completion of retrofit activities specified under § 257.105(j)(6).	Incorporated and adopted by reference. Rule 391-3-4-.10(8)(a)		